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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Case No. : 1:15-cv-05813-AKH

-----x
VICTOR CALLENDER,

Plaintiff,

- against -

FORSTER & GARBUS, LLP and

DISCOVER BANK,

Defendants.

-----x

477 Madison Avenue
New York, New York
October 25, 2016
12:31 p.m.

DEPOSITION of VICTOR CALLENDER, the
Plaintiff in the above-entitled action,
held at the aforementioned time and place,
taken before Ashley Shugar, a Shorthand
Reporter and Notary Public of the State of
New York, pursuant to the Federal Rules of
Civil Procedure, Notice and stipulations
between Counsel.

* * *

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1 APPEARANCES:
2 THE LAW OFFICE OF AHMAD KESHAVARZ
3 Attorneys for Plaintiff
4 16 Court Street, 26th Floor
5 Brooklyn, New York 11241
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10
11 RIVKIN RADLER LLP
12 Attorneys for Defendant
13 FORSTER & GARBUS, LLP
14 926 RXR Plaza
15 Uniondale, New York 11556
16 BY: CAROL A. LASTORINO, ESQ.
17 carol.lastorino@rivkin.com
18 FILE: 12607-2
19
20 * * *
21
22
23
24
25

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1 STIPULATIONS
2
3 IT IS HEREBY STIPULATED AND AGREED,
4 by and among counsel for the respective
5 parties hereto, that the filing, sealing
6 and certification of the within deposition
7 shall be and the same are hereby waived;
8 IT IS FURTHER STIPULATED AND AGREED
9 that all objections, except as to form of
10 the question, shall be reserved to the time
11 of the trial;
12 IT IS FURTHER STIPULATED AND AGREED
13 that the within deposition may be signed
14 before any Notary Public with the same
15 force and effect as if signed and sworn to
16 before the Court.
17
18 * * *
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25

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1 V. CALLENDER
2 VICTOR CALLENDER, the
3 Witness herein, having first been duly
4 sworn by the Notary Public, was examined
5 and testified as follows:
6 (Defendant's Exhibit A, Notice
7 to Take Oral Deposition, was marked
8 for identification.)
9 EXAMINATION BY
10 MS. LASTORINO:
11 Q. Hello, Mr. Callender. My name
12 is Carol Lastorino. I represent the
13 Defendant, Forster & Garbus, in this case.
14 I'm going to ask you some
15 questions. I want you to give me a full
16 response, not a nod or a shake of the head.
17 This way, the court reporter can take down
18 your response.
19 MR. KESHAVARZ: You mean oral
20 answer.
21 BY MS. LASTORINO:
22 Q. If you don't understand my
23 question, ask me and I'll rephrase it.
24 Before we get started, I just
25 marked as Defendant's Exhibit A the Notice

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1 V. CALLENDER
2 to Take Oral Deposition, which is dated and
3 was served on September 12th, 2016, which
4 was sent to your attorney and provided that
5 your deposition was going to be taken at
6 the offices of Rivkin Radler, 477 Madison
7 Avenue, 20th Floor, New York, New York, on
8 October 25th, 2016 at 11:00 a.m. It is now
9 12:30 p.m., and I just want the record to
10 reflect that.
11 And I had a prior e-mail
12 communication back when this was served
13 with Ahmad Keshavarz, plaintiff's attorney,
14 that there is a presumption the deposition
15 takes place in the county where the action
16 is commenced. The action is commenced in
17 the Southern District, which is New York
18 County, not Kings County. But we are
19 starting this deposition an hour and a half
20 late.
21 MR. KESHAVARZ: Okay. Then let
22 me get my statement on the record.
23 I've been practicing New York
24 law for 16 years. This is the first
25 time in my entire career where we've

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1 V. CALLENDER
2 had deposition of a party in a
3 location other than that party's
4 attorney. It's common courtesy for
5 most attorneys. Apparently, it's not
6 common courtesy here. When there was
7 a Notice of Deposition at Rivkin
8 Radler, I promptly notified opposing
9 counsel that I would produce my
10 client at my office as common
11 courtesy has been.
12 I would also note that I
13 attempted to take the deposition of
14 the corporate representative of
15 Forster & Garbus at the Manhattan
16 office of Rivkin & Radler. Opposing
17 counsel refused to take the
18 deposition, requiring me to drive an
19 hour and a half to Long Island to
20 take the deposition of the corporate
21 representative.
22 I would also note that I had a
23 doctor's appointment this afternoon
24 because I'm ill, and I had to cancel
25 it because I had to haul all the way

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1 V. CALLENDER
2 out here, which I don't think is
3 courteous.
4 MS. LASTORINO: And let --
5 MR. KESHAVARZ: If you have --
6 if you have a --
7 MS. LASTORINO: No. Let the
8 record further reflect, since you
9 wanted to put something on the
10 record, that when you told me that
11 you did not want the deposition here,
12 I explained to you that it was going
13 to take place here based on the
14 presumption. Your number of years
15 practicing, I can't tell you why you
16 don't know what the general rules and
17 presumptions, including the
18 presumption that the 30(b)(6) witness
19 is produced for deposition where he
20 resides or conducts business.
21 So, that being said.
22 BY MS. LASTORINO:
23 Q. Mr. Callender, tell me
24 everything you did to get ready for this
25 deposition today?

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1 V. CALLENDER
2 MR. KESHAVARZ: Objection to
3 the form of the question.
4 You may answer.
5 BY MS. LASTORINO:
6 Q. You could answer.
7 THE WITNESS: What do --
8 MR. KESHAVARZ: You can answer.
9 BY MS. LASTORINO:
10 Q. You can't -- you can't ask your
11 attorney a question.
12 MR. KESHAVARZ: Just -- just
13 listen to --
14 BY MS. LASTORINO:
15 Q. When I ask you a question, just
16 so you know, and a question is pending, you
17 can't ask your attorney or speak to your
18 attorney to help him -- have him help you
19 testify.
20 So tell me everything that you
21 did to prepare for this deposition today.
22 A. Just met -- mentally just went
23 over how we got to this position. How
24 we -- how we got to this position.
25 Q. Did you review any documents?

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1 V. CALLENDER
2 A. Whatever documents I had in my
3 possession.
4 Q. And what -- what documents did
5 you have in your possession that you
6 reviewed?
7 A. Letters from Forster & Garbus,
8 the letter that I had when I went to court
9 and I had, you know, the dismiss -- they
10 dismissed the cases. All those letters, I
11 just went over the whole file.
12 Q. And what letters from Forster &
13 Garbus did you review?
14 A. The letters I sent to -- the
15 letters that I received from Forster &
16 Garbus back in 2012 and the letter I sent
17 to the State wanting to inquire about --
18 wanted to inquire about why I was getting
19 the letters; that's what -- that's what I
20 was reviewing.
21 Q. When you say "the letter to the
22 State," what do you mean by that, the
23 State?
24 A. What's it called? Well, when I
25 started getting the letters, I had to

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1 V. CALLENDER
2 write -- I wrote the State because I wanted
3 to find out what it was.
4 Q. Are you talking about the New
5 York City Department of Consumer Affairs?
6 A. Right. Yeah, that's the --
7 Q. Okay.
8 A. -- that's them, yeah. So --
9 because I -- I went over that stuff.
10 Q. And the letters --
11 You said you received letters
12 from Forster & Garbus?
13 A. Right.
14 Q. About how many letters did you
15 receive from --
16 A. Five.
17 Q. I'm sorry?
18 A. Five.
19 Q. About five letters?
20 A. Uh-huh.
21 Q. Did you meet with your attorney
22 to prepare for deposition?
23 MR. KESHAVARZ: She's not
24 asking you what was said.
25

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1 V. CALLENDER
2 BY MS. LASTORINO:
3 Q. No, I'm not asking you what was
4 said. I'm just asking you did you meet
5 with --
6 A. Yes.
7 Q. -- your attorney?
8 A. Yes.
9 Q. And when did you meet with your
10 attorney?
11 A. This morning, I got to the
12 office around 10 -- 10 -- 10 o'clock.
13 Q. Did you meet --
14 A. 10:45 -- 10 o'clock.
15 Q. Did you meet with him prior to
16 this morning to prepare for deposition?
17 A. No.
18 Q. Was --
19 Who was present in the meeting
20 this morning with your attorney?
21 A. Just my attorney.
22 Q. Just the two of you?
23 A. Uh-huh.
24 Q. Mr. Callender, where do you
25 currently reside?

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1 V. CALLENDER
2 A. I live in the Bronx.
3 Q. Can you give me the specific
4 address?
5 A. 765 East 225th Street.
6 Q. And that's an apartment?
7 A. Apartment, yeah, 2B.
8 Q. Apartment 2?
9 A. 2B.
10 Q. How long have you lived at that
11 address?
12 A. I've been living there now a
13 year.
14 Q. So you have been there since
15 November of 2015?
16 A. 2015? Yeah. Yes.
17 Q. So no longer than that?
18 A. No longer than that.
19 Q. And where did you live prior to
20 that address?
21 A. 986 Leggett Avenue.
22 Q. I'm sorry?
23 A. 986 Leggett Avenue.
24 Q. And that's in the Bronx?
25 A. That's in the Bronx.

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1 V. CALLENDER
2 Q. And when did you reside there?
3 A. 2014 of March.
4 Q. You started March of 2014?
5 A. Yeah.
6 Q. Until when?
7 A. Until August -- September 2015.
8 Q. And then where did you live in
9 between September to November of 2015?
10 A. I was hanging out with my
11 friends. I was living at a friend's.
12 Q. You were living at your
13 friend's house?
14 A. Uh-huh.
15 Q. And where was that?
16 A. Do I have to answer that
17 question?
18 MR. KESHAVARZ: Yeah.
19 THE WITNESS: It's in the
20 Bronx.
21 BY MS. LASTORINO:
22 Q. Do you know the address?
23 A. No, I don't know the address.
24 I just know how to get there.
25 Q. Prior to the Leggett Avenue

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<p>Page 14</p> <p>1 V. CALLENDER</p> <p>2 address, where did you live before that?</p> <p>3 A. 37 -- 379 West 127th Street.</p> <p>4 Q. Apartment?</p> <p>5 A. 31, I think. I'm not sure.</p> <p>6 Q. In the Bronx?</p> <p>7 A. That's in Manhattan. 10027.</p> <p>8 Q. And what time frame --</p> <p>9 What dates did you live there?</p> <p>10 A. I can't remember. I know I</p> <p>11 moved in there 2010 of October. That's</p> <p>12 what I know. I know I moved in there at</p> <p>13 that time.</p> <p>14 Q. And how long were you there</p> <p>15 for?</p> <p>16 A. That, I don't know off the top</p> <p>17 of my head. I have to see a calendar.</p> <p>18 Q. And where did you live before</p> <p>19 that?</p> <p>20 A. 408 West 130th Street,</p> <p>21 Apartment 12.</p> <p>22 Q. And what dates did you live at</p> <p>23 that address?</p> <p>24 A. I lived there from '99 -- '99</p> <p>25 of September to 2010, October.</p>	<p>Page 16</p> <p>1 V. CALLENDER</p> <p>2 A. In 2003.</p> <p>3 Q. And when did you separate?</p> <p>4 A. In 2015.</p> <p>5 Q. A month?</p> <p>6 A. What month was that? I think</p> <p>7 it was July.</p> <p>8 Q. Do you have children?</p> <p>9 A. Yes, I do.</p> <p>10 Q. How many?</p> <p>11 A. Three.</p> <p>12 Q. And what are their names and</p> <p>13 ages?</p> <p>14 A. Mykal.</p> <p>15 Q. I'm sorry?</p> <p>16 A. Mykal. Mykal, M-Y-K-A-L. He's</p> <p>17 10.</p> <p>18 Isabelle is 8.</p> <p>19 And Naima is 5.</p> <p>20 Q. Do they reside with you?</p> <p>21 A. No.</p> <p>22 Q. They reside with Michelle?</p> <p>23 A. Yeah.</p> <p>24 Q. And where does she reside?</p> <p>25 A. She's also in the Bronx. I</p>
<p>Page 15</p> <p>1 V. CALLENDER</p> <p>2 Q. When you moved from one address</p> <p>3 to the next, did you file anything with the</p> <p>4 United States Postal Service for a change</p> <p>5 of address?</p> <p>6 A. Yeah.</p> <p>7 Q. Did you do -- did you submit --</p> <p>8 Did you do that online or</p> <p>9 submit a paper to the post office?</p> <p>10 A. I submitted a paper. I can't</p> <p>11 remember if I did it for all of them, but</p> <p>12 that's something that I do.</p> <p>13 Q. But that's generally your</p> <p>14 practice --</p> <p>15 A. Right.</p> <p>16 Q. -- when you move from one</p> <p>17 address to another?</p> <p>18 A. Right.</p> <p>19 Q. Are you currently married?</p> <p>20 A. I'm married, but we're</p> <p>21 separated.</p> <p>22 Q. What is your -- what is her --</p> <p>23 What is your wife's name?</p> <p>24 A. Michelle Callender.</p> <p>25 Q. When did you marry?</p>	<p>Page 17</p> <p>1 V. CALLENDER</p> <p>2 don't have the address on hand right now.</p> <p>3 It's Fowler Avenue in the Bronx.</p> <p>4 Q. And have you three children</p> <p>5 been living with Michelle in the Bronx at</p> <p>6 Fowler Avenue in the Bronx since you</p> <p>7 separated in July 2015?</p> <p>8 A. Yes.</p> <p>9 Q. Who is Carol Callender?</p> <p>10 A. That's my mom.</p> <p>11 Q. Are you currently employed?</p> <p>12 A. Yes.</p> <p>13 Q. Where do you work?</p> <p>14 A. At Blink -- Blink Fitness.</p> <p>15 Q. And when did you start working</p> <p>16 at Blink Fitness?</p> <p>17 A. I started last week.</p> <p>18 Q. And what do you do there?</p> <p>19 A. Train. Trainer.</p> <p>20 Q. You're a trainer?</p> <p>21 A. (Nods head.)</p> <p>22 Q. Where did you work prior to</p> <p>23 Blink Fitness?</p> <p>24 A. What I did? I did my own thing</p> <p>25 outside. I was -- I was doing the same</p>

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<p>Page 18</p> <p>1 V. CALLENDER</p> <p>2 thing, training, but I was doing it</p> <p>3 outdoors. Running boot camps.</p> <p>4 Q. Who were you working for?</p> <p>5 A. I worked for myself.</p> <p>6 Q. How long did you do that for?</p> <p>7 A. I do it all summer.</p> <p>8 Q. So this past summer, that's</p> <p>9 what --</p> <p>10 A. That's what I did.</p> <p>11 Q. And what did you do before</p> <p>12 that?</p> <p>13 A. I worked at Dollar Tree.</p> <p>14 Q. When did you start working at</p> <p>15 Dollar Tree?</p> <p>16 A. 2015. No, no, no. 2014 --</p> <p>17 sorry -- of like November.</p> <p>18 Q. November 2014?</p> <p>19 A. Yeah.</p> <p>20 Q. And when did your employment</p> <p>21 there terminate?</p> <p>22 A. It didn't terminate until March</p> <p>23 of this year. But I got promoted to</p> <p>24 manager after working there and I didn't</p> <p>25 like that position.</p>	<p>Page 20</p> <p>1 V. CALLENDER</p> <p>2 Q. How many hours a week did you</p> <p>3 work?</p> <p>4 A. Like 25 -- 25 hours.</p> <p>5 Q. And how much -- what was your</p> <p>6 salary?</p> <p>7 A. I don't know. I got to -- what</p> <p>8 was that?</p> <p>9 MR. KESHAVARZ: You don't have</p> <p>10 to look at a calendar.</p> <p>11 THE WITNESS: No, I have to do</p> <p>12 the math.</p> <p>13 Like, I don't know it off the</p> <p>14 top of my head.</p> <p>15 MR. KESHAVARZ: So you just</p> <p>16 listen to the question. If you know</p> <p>17 the answer, then say. If you don't</p> <p>18 know, then say.</p> <p>19 THE WITNESS: No, I don't know.</p> <p>20 I don't know.</p> <p>21 BY MS. LASTORINO:</p> <p>22 Q. You don't know what your salary</p> <p>23 was?</p> <p>24 A. No, not off the top of my head.</p> <p>25 I would have to calculate that.</p>
<p>Page 19</p> <p>1 V. CALLENDER</p> <p>2 Q. You didn't like being promoted?</p> <p>3 A. I didn't like the position. I</p> <p>4 didn't like the amount of work I was being</p> <p>5 given for the amount of staff that I had.</p> <p>6 Q. I'm sorry, the amount of?</p> <p>7 A. Staff that I had.</p> <p>8 Q. Staff?</p> <p>9 A. Yes.</p> <p>10 Q. When you first started at</p> <p>11 Dollar Tree in November of 2014, what was</p> <p>12 your title?</p> <p>13 A. I was working stock. I was</p> <p>14 working stock.</p> <p>15 Q. And where -- which location?</p> <p>16 Which Dollar Tree location?</p> <p>17 A. Pelham. Pelham Manor; that's</p> <p>18 in the Bronx.</p> <p>19 Q. Who was your supervisor?</p> <p>20 A. His name was Khan. He's no</p> <p>21 longer there.</p> <p>22 Q. And when you first started</p> <p>23 working at Dollar Tree, was it a part-time</p> <p>24 or a full-time job?</p> <p>25 A. It was part-time.</p>	<p>Page 21</p> <p>1 V. CALLENDER</p> <p>2 Q. Was it 10 -- more than \$10 an</p> <p>3 hour?</p> <p>4 A. No, it was less than \$10 an</p> <p>5 hour.</p> <p>6 Q. Less than 10?</p> <p>7 A. Yeah.</p> <p>8 Q. Was it less than \$8 an hour?</p> <p>9 A. No, it was more than \$8.</p> <p>10 Q. Did there come a point in time</p> <p>11 when you were working at Dollar Tree that</p> <p>12 you became a full-time employee?</p> <p>13 A. No, it doesn't work like that</p> <p>14 in that -- in that business. No.</p> <p>15 Q. So you were --</p> <p>16 A. It doesn't work like that.</p> <p>17 Q. How does it work?</p> <p>18 A. They hire people for part-time</p> <p>19 and keep them part-time so they don't have</p> <p>20 to pay benefits. That's how it works. The</p> <p>21 only people that gets benefits is managers.</p> <p>22 I call it slave labor. That's what I call</p> <p>23 that.</p> <p>24 Q. So when you were promoted to</p> <p>25 manager -- I'm sorry.</p>

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<p>Page 22</p> <p>1 V. CALLENDER</p> <p>2 What -- what date was that?</p> <p>3 Did you give me a date for that?</p> <p>4 A. The promotion?</p> <p>5 Q. Yeah.</p> <p>6 When did the promotion take</p> <p>7 place?</p> <p>8 A. The end of 2015. November or</p> <p>9 December.</p> <p>10 Q. And when you got the promotion,</p> <p>11 did you -- did your salary increase?</p> <p>12 A. Yeah.</p> <p>13 Q. And what'd it increase to?</p> <p>14 What was your --</p> <p>15 A. It was 14.</p> <p>16 Q. \$14 an hour?</p> <p>17 A. \$14 an hour.</p> <p>18 Q. And did you also work the same</p> <p>19 25 hours per week?</p> <p>20 A. No. I worked more than that.</p> <p>21 I worked maybe 35 to 40 hours.</p> <p>22 Q. And when you were promoted to</p> <p>23 manager, did you then receive benefits --</p> <p>24 A. No.</p> <p>25 Q. -- from Dollar Tree?</p>	<p>Page 24</p> <p>1 V. CALLENDER</p> <p>2 being a cashier also, taking care of the</p> <p>3 cash, doing cash deposits, doing</p> <p>4 everything. Making orders, I was making</p> <p>5 orders. I would show up at night sometimes</p> <p>6 to take in the trucks, then go home to</p> <p>7 sleep, then wake back up and then go back</p> <p>8 again to work. Slave labor. It's too much</p> <p>9 work for one man.</p> <p>10 Q. Where did you work before</p> <p>11 Dollar Tree?</p> <p>12 A. Unified -- UNFL. It's</p> <p>13 united -- United Food Distribution Company.</p> <p>14 Q. And where is that located?</p> <p>15 A. It's in New Hampshire.</p> <p>16 Q. And where did you work when you</p> <p>17 worked for them?</p> <p>18 A. I worked in the city. I worked</p> <p>19 in the city.</p> <p>20 Q. So they were primarily located</p> <p>21 in New Hampshire, but they had a city --</p> <p>22 in A. Yeah.</p> <p>23 Q. -- location?</p> <p>24 A. Yeah.</p> <p>25 Q. What did you do there?</p>
<p>Page 23</p> <p>1 V. CALLENDER</p> <p>2 A. No. You have to go through</p> <p>3 like another process.</p> <p>4 Q. And what's that process?</p> <p>5 A. A trial -- what was that?</p> <p>6 Trial period or something. Yeah.</p> <p>7 Q. And you didn't make it through</p> <p>8 the trial period?</p> <p>9 A. It's not that I didn't make it;</p> <p>10 I didn't want to make it through the trial</p> <p>11 period. I was manager who was given</p> <p>12 responsibilities to do like work for like</p> <p>13 ten other people. That's crazy.</p> <p>14 Q. How does it work at Dollar</p> <p>15 Tree? Does -- does one store --</p> <p>16 The store you were working at,</p> <p>17 how many managers does one store have?</p> <p>18 A. They have four managers in the</p> <p>19 store.</p> <p>20 Q. So there were three other</p> <p>21 managers when you --</p> <p>22 A. Right.</p> <p>23 Q. -- were promoted?</p> <p>24 A. Yeah.</p> <p>25 And so I was doing my work and</p>	<p>Page 25</p> <p>1 V. CALLENDER</p> <p>2 A. The trucks came from New</p> <p>3 Hampshire to the city so we delivered food</p> <p>4 products to stores.</p> <p>5 Q. Did you drive a truck?</p> <p>6 A. No, I didn't -- I didn't drive</p> <p>7 the truck.</p> <p>8 Q. So what was your specific job</p> <p>9 description?</p> <p>10 A. Delivery. Delivery. We were</p> <p>11 doing delivery. Delivery.</p> <p>12 Q. So somebody else drove the</p> <p>13 truck and then --</p> <p>14 A. Yeah.</p> <p>15 Q. -- you --</p> <p>16 A. We delivered.</p> <p>17 Q. You delivered?</p> <p>18 A. We did, the truck driver and</p> <p>19 us.</p> <p>20 Q. Oh, I see.</p> <p>21 A. Yeah.</p> <p>22 Q. And when did you start your</p> <p>23 employment at United Food Distribution?</p> <p>24 Distribution or distributor?</p> <p>25 I'll just call it United Food.</p>

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<p>Page 26</p> <p>1 V. CALLENDER</p> <p>2 A. Yeah, just call it United.</p> <p>3 UNF --</p> <p>4 Q. When did you start working at</p> <p>5 United Food?</p> <p>6 A. I don't know the date right off</p> <p>7 the top of my head. I gotta go back years.</p> <p>8 Q. Well, how many years did you</p> <p>9 work there?</p> <p>10 A. Maybe I worked there for seven</p> <p>11 years. Yeah.</p> <p>12 If I had known I would answer</p> <p>13 these question, I'd have brought all that</p> <p>14 stuff with me. I mean dates, I don't know</p> <p>15 all the dates.</p> <p>16 Q. So you were there for seven</p> <p>17 years.</p> <p>18 And what -- what was your</p> <p>19 salary?</p> <p>20 A. I was getting paid total \$16 an</p> <p>21 hour.</p> <p>22 Q. And was that a part-time job or</p> <p>23 full-time?</p> <p>24 A. It was full-time.</p> <p>25 Q. How many hours a week?</p>	<p>Page 28</p> <p>1 V. CALLENDER</p> <p>2 Q. About how close in time did</p> <p>3 you -- were you terminated from United Food</p> <p>4 and then started the Dollar Tree job?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 the form of the question.</p> <p>7 BY MS. LASTORINO:</p> <p>8 Q. Do you understand the question?</p> <p>9 A. No, I don't.</p> <p>10 Q. When you were laid off from</p> <p>11 United Food --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- and then you -- your next</p> <p>14 job was at Dollar Tree?</p> <p>15 A. Right.</p> <p>16 Q. How long were you --</p> <p>17 Were you unemployed in between</p> <p>18 or did you start working --</p> <p>19 A. Yeah, I was --</p> <p>20 Q. -- right away?</p> <p>21 A. -- unemployed. I was</p> <p>22 unemployed. But I didn't -- I didn't sign</p> <p>23 up for unemployment or anything like that</p> <p>24 because I don't believe in that stuff. I</p> <p>25 believe in working for my money. So . . .</p>
<p>Page 27</p> <p>1 V. CALLENDER</p> <p>2 A. Like 40 hours.</p> <p>3 Q. And do you recall an</p> <p>4 approximate date as to when you stopped</p> <p>5 working there?</p> <p>6 A. Yeah, it's in 2014, though.</p> <p>7 Q. Do you remember the month?</p> <p>8 A. I think it's September.</p> <p>9 Q. Did you leave voluntarily?</p> <p>10 A. I didn't leave. They just --</p> <p>11 they just went through changes. The</p> <p>12 company went through changes, and</p> <p>13 they just -- they just went through</p> <p>14 changes. They -- they wanted to stop</p> <p>15 bringing -- sending the trucks down -- down</p> <p>16 to the city. It was costing too much money</p> <p>17 and all that kind of stuff, so they just</p> <p>18 did cutbacks. So they just cut the lower</p> <p>19 half out, which is -- which was, so --</p> <p>20 Q. So you were laid off?</p> <p>21 A. Yeah, if you want to call it</p> <p>22 that.</p> <p>23 Q. And then the job after United</p> <p>24 Food was Dollar Tree?</p> <p>25 A. Right.</p>	<p>Page 29</p> <p>1 V. CALLENDER</p> <p>2 Q. How long were you unemployed?</p> <p>3 A. A couple of months.</p> <p>4 When did I get the job at</p> <p>5 Dollar Tree? In October?</p> <p>6 Again, I -- 2014 -- I mean 2000</p> <p>7 -- 2014, that's when I got laid off at</p> <p>8 United. Maybe September, I don't know</p> <p>9 exactly the month, but it's in that year.</p> <p>10 I think -- I'm thinking it's like July or</p> <p>11 September, I'm not sure. But I know I got</p> <p>12 hired by Dollar Tree around October of that</p> <p>13 year, 2014.</p> <p>14 Q. You could have collected</p> <p>15 unemployment, if you wanted?</p> <p>16 A. Like I said, me, I don't</p> <p>17 believe -- that's not something that I -- I</p> <p>18 like to work. So I mean, to sit down and</p> <p>19 do -- what is that? Like I don't even --</p> <p>20 in my -- I'm from Trinidad. I'm from the</p> <p>21 Caribbean. I'm a worker, so I don't -- I</p> <p>22 don't understand what that is. I mean, I</p> <p>23 don't -- I just like to work.</p> <p>24 Q. So you never collected</p> <p>25 unemployment --</p>

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<p>Page 30</p> <p>1 V. CALLENDER</p> <p>2 A. No, I never --</p> <p>3 Q. -- in your life?</p> <p>4 A. No, I didn't. I never did.</p> <p>5 Q. How did you feel when you lost</p> <p>6 your job with United Food?</p> <p>7 A. How did I feel? I -- how did I</p> <p>8 feel at the time?</p> <p>9 Q. Yeah, at the time.</p> <p>10 A. Well, I have to find another</p> <p>11 job, that's how I felt at the time. I have</p> <p>12 to find work.</p> <p>13 Q. Were you stressed at losing</p> <p>14 your job at United Food?</p> <p>15 A. No. What I was stressed</p> <p>16 about -- I'll tell you what I was stressed</p> <p>17 about, I was stressed because I -- a couple</p> <p>18 of months before, I paid a broker like</p> <p>19 \$2,000 to get this apartment and then I had</p> <p>20 to do the broker fee plus the month rent</p> <p>21 plus the security, and then I lost my job.</p> <p>22 All right?</p> <p>23 So then my stress came because</p> <p>24 I just moved into this place and I just</p> <p>25 went into my savings, used it up for this</p>	<p>Page 32</p> <p>1 V. CALLENDER</p> <p>2 Q. What about up until the time</p> <p>3 you separated, did she ever work?</p> <p>4 A. When she had to. She had to go</p> <p>5 and get a job.</p> <p>6 Q. And when did -- when did</p> <p>7 that --</p> <p>8 When did she go get a job?</p> <p>9 A. She went to find -- she went to</p> <p>10 work, I think in like, I don't know,</p> <p>11 December or November that year.</p> <p>12 Q. And just of what year are we</p> <p>13 talking about?</p> <p>14 A. 2014.</p> <p>15 Q. Okay. And where did she go</p> <p>16 work when she found that job?</p> <p>17 A. She went to work at Wollman</p> <p>18 Rink.</p> <p>19 Q. Where?</p> <p>20 A. Wollman Rink. Wollman Rink,</p> <p>21 the ice skating facility. I can't remember</p> <p>22 what she was doing. Wollman Rink. I think</p> <p>23 she was -- well, you need -- she was the</p> <p>24 manager or something. I don't know.</p> <p>25 Q. And was a part-time job or a</p>
<p>Page 31</p> <p>1 V. CALLENDER</p> <p>2 space and then I lost the job. So now my</p> <p>3 focus is I need to find work so I can</p> <p>4 continue paying my bills and feeding my</p> <p>5 family.</p> <p>6 That was the focus. So I was</p> <p>7 stressed. I'm going to get stressed</p> <p>8 because if I don't have money, I might end</p> <p>9 up on the street, right?</p> <p>10 So I'm stressed out about that.</p> <p>11 Q. Now, during the time that you</p> <p>12 got married in . . .</p> <p>13 A. 2003.</p> <p>14 Q. Thank you.</p> <p>15 2003, did Michelle work at all?</p> <p>16 A. No, my wife never worked.</p> <p>17 She -- she didn't work when she was with</p> <p>18 me.</p> <p>19 Q. Did she ever -- did she work at</p> <p>20 all during the time you were married --</p> <p>21 A. When I met --</p> <p>22 Q. -- before you were separated?</p> <p>23 A. When I met her, she had a --</p> <p>24 she had a little job. But when we met,</p> <p>25 she -- she stopped working.</p>	<p>Page 33</p> <p>1 V. CALLENDER</p> <p>2 full-time job?</p> <p>3 A. At the time -- at the time, I'm</p> <p>4 not sure.</p> <p>5 Q. Now, when she got that job, did</p> <p>6 your childcare situation change at all?</p> <p>7 A. It helped a little bit.</p> <p>8 Q. How so?</p> <p>9 A. Because she was working and I</p> <p>10 was -- I was out of work, right, but she</p> <p>11 was working.</p> <p>12 Q. So it helped for the expenses?</p> <p>13 A. Right, it helped a little bit.</p> <p>14 Q. Mr. Callender, have you ever</p> <p>15 been deposited before?</p> <p>16 A. I don't understand the</p> <p>17 question.</p> <p>18 Q. Well, today you're at a</p> <p>19 deposition where there's a court reporter,</p> <p>20 I'm asking you questions.</p> <p>21 A. Uh-huh.</p> <p>22 Q. So a situation like this.</p> <p>23 Have you ever had a situation</p> <p>24 like this where you were deposited?</p> <p>25 A. Never in my life.</p>

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<p>Page 34</p> <p>1 V. CALLENDER</p> <p>2 Q. Did you ever testify in court</p> <p>3 before?</p> <p>4 A. Yes.</p> <p>5 Q. And when was that?</p> <p>6 A. That was in -- in 2012. That's</p> <p>7 when I had to go see about the case. When</p> <p>8 I filed a motion -- a motion to vacate, I</p> <p>9 had a court order so I had to go for the</p> <p>10 court for that.</p> <p>11 Q. And when you're talking about</p> <p>12 "the case," are you talking about the</p> <p>13 Discover Bank matter?</p> <p>14 A. Yes.</p> <p>15 Q. Is that the only time you</p> <p>16 testified in court?</p> <p>17 A. No. I had two other judgments</p> <p>18 that I had to testify.</p> <p>19 Q. And what -- let's take one at a</p> <p>20 time.</p> <p>21 What was -- what was one</p> <p>22 judgment that you had to testify?</p> <p>23 A. I think it was Citibank. I</p> <p>24 can't remember the other name -- the other</p> <p>25 one.</p>	<p>Page 36</p> <p>1 V. CALLENDER</p> <p>2 -- A -- AIS and then there was -- I don't</p> <p>3 know if that's the same as Mel Harris. I</p> <p>4 don't know, so I'd have to look at the --</p> <p>5 the documents to --</p> <p>6 Q. Well, I'm -- I'm going to get</p> <p>7 back to the Discover Bank one, but let's</p> <p>8 just take these other ones --</p> <p>9 A. Yeah.</p> <p>10 Q. -- one at a time.</p> <p>11 The Citibank one --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- when did you learn that you</p> <p>14 had a judgment -- that Citibank had a</p> <p>15 judgment against you?</p> <p>16 A. The same day I went -- the same</p> <p>17 day I found out about the judgment against</p> <p>18 me for -- for this case --</p> <p>19 Q. So did you --</p> <p>20 A. -- the Discover.</p> <p>21 Q. So did you find out that there</p> <p>22 were three judgments against you the same</p> <p>23 day?</p> <p>24 A. Yeah.</p> <p>25 Q. And tell me how you came to</p>
<p>Page 35</p> <p>1 V. CALLENDER</p> <p>2 Q. And when was that?</p> <p>3 A. In the same -- in the same</p> <p>4 year.</p> <p>5 Q. So that was in 2012 --</p> <p>6 A. 2012.</p> <p>7 Q. -- as well?</p> <p>8 A. In the same year, around the</p> <p>9 same time around. I can't remember the</p> <p>10 months, but I know it was between January</p> <p>11 and -- and August all that stuff went down.</p> <p>12 Q. And was there a judgment</p> <p>13 against you in Citibank?</p> <p>14 A. Yes, there was a judgment</p> <p>15 against me, that's why I had to go to</p> <p>16 court. There was two -- there was two</p> <p>17 judgments -- no, three judgments, the</p> <p>18 Discover, Citibank, and the other one I</p> <p>19 can't remember.</p> <p>20 Q. You can't remember the third</p> <p>21 one?</p> <p>22 A. I think it was Chase. I don't</p> <p>23 know if it was Chase. I'm not sure.</p> <p>24 Because they have different</p> <p>25 names. Like they have -- I know it was AS-</p>	<p>Page 37</p> <p>1 V. CALLENDER</p> <p>2 know that.</p> <p>3 A. Well, I -- when I pulled a</p> <p>4 credit report.</p> <p>5 Q. And when did you do that credit</p> <p>6 report, do you remember?</p> <p>7 A. I can't remember the exact --</p> <p>8 that was in 2012. I remember my birthday</p> <p>9 in 2012, but I can't remember exactly the</p> <p>10 day when I pulled that.</p> <p>11 Q. And what was --</p> <p>12 A. I know when I -- I pulled it,</p> <p>13 and then I went to the courts to ask</p> <p>14 questions and they told me that I needed to</p> <p>15 file a motion to vacate, something like</p> <p>16 that.</p> <p>17 Q. What was the reason that you</p> <p>18 obtained a credit report in 2012?</p> <p>19 A. What was the reason? I don't</p> <p>20 know. I was going -- I was going -- I went</p> <p>21 to a financial seminar or something like</p> <p>22 that and they said that's one of the things</p> <p>23 I needed to do, so I went and pulled the</p> <p>24 credit report, you know.</p> <p>25 Q. Was there anything else on the</p>

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<p>Page 38</p> <p>1 V. CALLENDER</p> <p>2 credit report other than the three</p> <p>3 judgments?</p> <p>4 A. That's what I can remember.</p> <p>5 Q. So were there any other liens?</p> <p>6 A. The only thing that stood out</p> <p>7 to me was those judgments. That's the</p> <p>8 things that stood out to me.</p> <p>9 And when I took it to the</p> <p>10 lawyers, they said that's important so</p> <p>11 that's -- that's what I was focusing on. I</p> <p>12 had to focus on those.</p> <p>13 Q. When did you show that to a</p> <p>14 lawyer?</p> <p>15 MR. KESHAVARZ: She's not</p> <p>16 asking you what was said.</p> <p>17 MS. LASTORINO: I said "when."</p> <p>18 THE WITNESS: Yeah, yeah, yeah.</p> <p>19 It's the same year. It's 2012. I</p> <p>20 can't remember the exact date or the</p> <p>21 month.</p> <p>22 BY MS. LASTORINO:</p> <p>23 Q. So you consulted with a</p> <p>24 lawyer --</p> <p>25 A. Yeah.</p>	<p>Page 40</p> <p>1 V. CALLENDER</p> <p>2 do you mean?</p> <p>3 Q. Well, did you have to --</p> <p>4 Before you testified in court,</p> <p>5 did you have to fill anything out? Any</p> <p>6 kind of paperwork?</p> <p>7 A. I had to get -- I got legal</p> <p>8 advice and they told me what I needed to</p> <p>9 do; I needed to file a motion to vacate.</p> <p>10 Q. And the attorneys told you</p> <p>11 this?</p> <p>12 A. Yes, that's what they told me.</p> <p>13 At the time I didn't know what that meant,</p> <p>14 I mean, until I asked questions.</p> <p>15 Q. And did you obtain the forms</p> <p>16 that you had to fill out or did they give</p> <p>17 them to you?</p> <p>18 A. They had -- it was a courtroom</p> <p>19 so I had to go get them downstairs. It was</p> <p>20 a court building, yeah.</p> <p>21 Q. And then you went over those</p> <p>22 forms with your -- with those --</p> <p>23 A. With my lawyer.</p> <p>24 Q. -- lawyers?</p> <p>25 A. Yeah.</p>
<p>Page 39</p> <p>1 V. CALLENDER</p> <p>2 Q. -- in 2012?</p> <p>3 A. Yeah, the ones that -- you go</p> <p>4 to the courthouse and it's like free, you</p> <p>5 can go and ask questions.</p> <p>6 Q. And do you remember what month</p> <p>7 that was in 2012?</p> <p>8 A. No, I don't remember the month.</p> <p>9 I can't remember the month.</p> <p>10 Q. Was it before you testified in</p> <p>11 court?</p> <p>12 A. Yeah, it was before.</p> <p>13 Q. And do you remember the name of</p> <p>14 the attorney that --</p> <p>15 A. No.</p> <p>16 Q. -- you consulted with?</p> <p>17 A. Uh-huh.</p> <p>18 Q. Did they assist you with</p> <p>19 preparing any paperwork that you had to</p> <p>20 submit to court, these attorneys?</p> <p>21 A. What do you mean assist?</p> <p>22 Q. Did they help you -- okay.</p> <p>23 Let --</p> <p>24 A. What do you mean, like they</p> <p>25 helped me write the information down? What</p>	<p>Page 41</p> <p>1 V. CALLENDER</p> <p>2 Q. And was that the procedure on</p> <p>3 all three of these judgments?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know the amount of the</p> <p>6 Citibank judgment?</p> <p>7 A. No, not off the top of my head.</p> <p>8 Q. Was it more than \$10,000?</p> <p>9 A. I said I don't know. I don't</p> <p>10 know off the top of my head.</p> <p>11 Q. So you don't know even an</p> <p>12 approximate amount?</p> <p>13 A. No, because it was -- that --</p> <p>14 all that stuff happened like in 2012.</p> <p>15 That's like the last time I looked at that.</p> <p>16 I can't remember -- I can't remember that.</p> <p>17 Q. So after you filled out the</p> <p>18 paperwork, what happened next with the</p> <p>19 Citibank case?</p> <p>20 A. What happened after I filled</p> <p>21 out the paperwork in the courthouse?</p> <p>22 Q. Right.</p> <p>23 A. What happened next? I had to</p> <p>24 go and mail it. They told me what I needed</p> <p>25 to do. I had to go mail the information</p>

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<p>Page 42</p> <p>1 V. CALLENDER</p> <p>2 out, so I mailed it out. Then I got a</p> <p>3 little card in the mail telling me I needed</p> <p>4 to show up in court, so I went to court.</p> <p>5 I got -- you know, for each of</p> <p>6 them, they sent me a court appearance, so I</p> <p>7 had to go all three of them. Not on the</p> <p>8 same day, but I appeared to all three of</p> <p>9 them.</p> <p>10 Q. Do you remember who you mailed</p> <p>11 the information to?</p> <p>12 A. Whatever information -- I don't</p> <p>13 remember that. Whatever -- there's an</p> <p>14 address that's on the paperwork and that's</p> <p>15 the -- the people I mailed it -- mailed it</p> <p>16 to, whoever showed up on the paperwork. It</p> <p>17 came in with the paperwork, but I was just</p> <p>18 following procedure. Like the paper, it</p> <p>19 gives like the address and you just</p> <p>20 transfer the information onto the paper.</p> <p>21 Q. Now, with respect to the -- it</p> <p>22 was Discover, Citibank, and then you said</p> <p>23 Chase?</p> <p>24 A. Yeah, but I'm -- yeah, yeah. I</p> <p>25 think it's Chase, but I'm not sure.</p>	<p>Page 44</p> <p>1 V. CALLENDER</p> <p>2 Q. And did you have an attorney</p> <p>3 representing you in connection with the</p> <p>4 settlement?</p> <p>5 A. No.</p> <p>6 Q. And what did you agree to pay</p> <p>7 on that?</p> <p>8 A. 1500.</p> <p>9 Q. That one payment in full?</p> <p>10 A. One payment in full, 1500.</p> <p>11 Q. Are you familiar with printouts</p> <p>12 from the court, WebCivil Local or</p> <p>13 something?</p> <p>14 A. Right, right, that's where I</p> <p>15 went.</p> <p>16 Q. And did you print something out</p> <p>17 from that?</p> <p>18 A. Right, that's where I went.</p> <p>19 And that's the first step. No, that was</p> <p>20 the second step.</p> <p>21 MS. LASTORINO: Can you mark</p> <p>22 this.</p> <p>23 (Defendant's Exhibit B,</p> <p>24 WebCivil Local Case Search Results,</p> <p>25 Bates stamped Callender 17, was</p>
<p>Page 43</p> <p>1 V. CALLENDER</p> <p>2 Q. And do you -- do you know what</p> <p>3 that judgment amount was?</p> <p>4 A. No, I don't know. Off the top</p> <p>5 of my head, I don't know.</p> <p>6 Q. So what happened with the</p> <p>7 judgment in Citibank? Did you get that</p> <p>8 vacated?</p> <p>9 A. I don't know. I know one of</p> <p>10 them got -- I know one of them -- I had to</p> <p>11 pay for one. And one of them -- and the</p> <p>12 other one, they didn't -- they never showed</p> <p>13 up so it got vacated.</p> <p>14 Q. So -- so one you -- the</p> <p>15 judgment -- in one of the cases, the</p> <p>16 judgment that was against you went away --</p> <p>17 A. Yeah.</p> <p>18 Q. -- so to speak?</p> <p>19 A. Yeah, one of them went away,</p> <p>20 because the -- the defendant never showed</p> <p>21 up.</p> <p>22 Q. And in the other one -- what</p> <p>23 happened in the other one?</p> <p>24 A. The other one I had to pay.</p> <p>25 Came to a settlement.</p>	<p>Page 45</p> <p>1 V. CALLENDER</p> <p>2 marked for identification.)</p> <p>3 BY MS. LASTORINO:</p> <p>4 Q. Mr. Callender, I want you to</p> <p>5 take a look at what's been marked as</p> <p>6 Defendant's Exhibit B.</p> <p>7 MR. KESHAVARZ: Do you have an</p> <p>8 extra copy for counsel?</p> <p>9 MS. LASTORINO: I don't.</p> <p>10 THE WITNESS: (Document</p> <p>11 review.)</p> <p>12 MR. KESHAVARZ: Wait a minute.</p> <p>13 There are two different</p> <p>14 documents here, Callender 17 and</p> <p>15 Callender 34.</p> <p>16 MS. LASTORINO: Yeah.</p> <p>17 There's -- yeah, there's -- yeah.</p> <p>18 MR. KESHAVARZ: They're</p> <p>19 separate documents.</p> <p>20 MS. LASTORINO: All right. Let</p> <p>21 me -- I'll -- I'll mark the --</p> <p>22 MR. KESHAVARZ: I mean, I'm</p> <p>23 just asking you --</p> <p>24 MS. LASTORINO: Yeah, no, I</p> <p>25 have it attached to that. We can do</p>

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<p>Page 46</p> <p>1 V. CALLENDER</p> <p>2 it as two. I don't mind. So he's</p> <p>3 not confused.</p> <p>4 BY MS. LASTORINO:</p> <p>5 Q. Here, take a look at that.</p> <p>6 A. (Document review.)</p> <p>7 Yeah, I know what this is.</p> <p>8 Q. Have you seen that before?</p> <p>9 A. Yeah.</p> <p>10 Q. And what is that?</p> <p>11 A. Something I got at the</p> <p>12 courthouse, it shows your judgments.</p> <p>13 Q. Do you recognize that</p> <p>14 handwriting on that page?</p> <p>15 A. Do I recognize --</p> <p>16 Which handwriting?</p> <p>17 Q. Do you see handwriting?</p> <p>18 There's question marks and</p> <p>19 there's -- in the second column, there's</p> <p>20 some handwritten notations.</p> <p>21 Do you see them?</p> <p>22 A. Yeah, I see the handwriting.</p> <p>23 Q. Is that your handwriting?</p> <p>24 A. No.</p> <p>25 Q. Do you know whose handwriting</p>	<p>Page 48</p> <p>1 V. CALLENDER</p> <p>2 Could that be your -- the</p> <p>3 attorney that you met with, could that be</p> <p>4 his or her handwriting?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 form.</p> <p>7 THE WITNESS: It could be.</p> <p>8 BY MS. LASTORINO:</p> <p>9 Q. All right. Let's just take a</p> <p>10 look at this now.</p> <p>11 Do you see the first one where</p> <p>12 it says "Kings County Civil Court"?</p> <p>13 A. Uh-huh.</p> <p>14 Q. It says, "Plaintiff, 9201 Kings</p> <p>15 Highway" --</p> <p>16 A. Uh-huh.</p> <p>17 Q. -- "Association"?</p> <p>18 Is -- is that a case against</p> <p>19 you?</p> <p>20 A. I don't know.</p> <p>21 Q. Did you ever hear of 9201 Kings</p> <p>22 Highway?</p> <p>23 A. Nope.</p> <p>24 Q. Okay. No. 3, do you see where</p> <p>25 it says "American Express" --</p>
<p>Page 47</p> <p>1 V. CALLENDER</p> <p>2 it is?</p> <p>3 A. No.</p> <p>4 Q. Do you recall going over this</p> <p>5 document with someone?</p> <p>6 A. I've seen this, yeah.</p> <p>7 Q. Did you go over this document</p> <p>8 with an attorney?</p> <p>9 A. Yeah.</p> <p>10 Q. So could that be the attorney's</p> <p>11 handwriting?</p> <p>12 MR. KESHAVARZ: Objection.</p> <p>13 Just -- just pause for a second</p> <p>14 between when she asks a question and</p> <p>15 when you answer.</p> <p>16 THE WITNESS: Okay.</p> <p>17 MR. KESHAVARZ: It's fine.</p> <p>18 THE WITNESS: Yeah.</p> <p>19 MR. KESHAVARZ: You don't have</p> <p>20 your deposition taken every day.</p> <p>21 THE WITNESS: Right.</p> <p>22 MR. KESHAVARZ: So objection to</p> <p>23 the form of the last question.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. You can answer.</p>	<p>Page 49</p> <p>1 V. CALLENDER</p> <p>2 A. Uh-huh.</p> <p>3 Q. -- "Plaintiff firm, Mel S.</p> <p>4 Harris; Defendant, Victor Callender"?</p> <p>5 A. Uh-huh.</p> <p>6 Q. Was that a case against you?</p> <p>7 A. I guess. I'm not sure.</p> <p>8 Q. Well, do you recall that being</p> <p>9 one -- something that came up on the credit</p> <p>10 report?</p> <p>11 A. No, not -- maybe it came up on</p> <p>12 the credit report, but . . .</p> <p>13 Q. Did you have an American</p> <p>14 Express credit card?</p> <p>15 A. Yeah, but this has -- this has</p> <p>16 nothing to do with this, like this case</p> <p>17 here. I mean, it has a question mark next</p> <p>18 to it, but it has nothing to do with what</p> <p>19 we're here for. This has nothing to do</p> <p>20 with that.</p> <p>21 Q. Well, I'm asking you about</p> <p>22 these other matters.</p> <p>23 A. Okay.</p> <p>24 Q. So this American Express, do</p> <p>25 you recall being sued by American Express?</p>

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<p>Page 50</p> <p>1 V. CALLENDER</p> <p>2 A. Maybe I was sued, but I</p> <p>3 never -- I never had to go to court for --</p> <p>4 for anything with American Express.</p> <p>5 Q. And do you know why they would</p> <p>6 have sued you?</p> <p>7 MR. KESHAVARZ: Objection to</p> <p>8 the form of the question.</p> <p>9 If you know the answer, you can</p> <p>10 answer.</p> <p>11 THE WITNESS: No, I don't know.</p> <p>12 BY MS. LASTORINO:</p> <p>13 Q. Did you default on any credit</p> <p>14 card payments that you had on your American</p> <p>15 Express card?</p> <p>16 A. I can't remember.</p> <p>17 Q. Take a look at the fourth one?</p> <p>18 A. Uh-huh.</p> <p>19 Q. You see where it says "Capital</p> <p>20 One Bank" --</p> <p>21 A. Right.</p> <p>22 Q. -- "versus Victor Callender"?</p> <p>23 A. Uh-huh.</p> <p>24 Q. Is that a case against you?</p> <p>25 A. What year is this?</p>	<p>Page 52</p> <p>1 V. CALLENDER</p> <p>2 you?</p> <p>3 A. Yeah, that's what it look like.</p> <p>4 Q. Does reading that refresh your</p> <p>5 recollection as to a Capital One case</p> <p>6 against you and what transpired in that</p> <p>7 case?</p> <p>8 A. Well, I don't think it's a case</p> <p>9 against me. It's not a case. This just</p> <p>10 shows that it's a judgment, but they have</p> <p>11 no case because I never went to court.</p> <p>12 Q. So do you know, sitting here</p> <p>13 today, did Capital One Bank have a judgment</p> <p>14 against you?</p> <p>15 MR. KESHAVARZ: Objection to</p> <p>16 the form of the question.</p> <p>17 THE WITNESS: I don't know.</p> <p>18 BY MS. LASTORINO:</p> <p>19 Q. Take a look at No. 7.</p> <p>20 Do you see that?</p> <p>21 A. Right.</p> <p>22 Q. In the fourth column, it says</p> <p>23 "Rushmore Recoveries"?</p> <p>24 A. Uh-huh.</p> <p>25 Q. And in the fifth column, it</p>
<p>Page 51</p> <p>1 V. CALLENDER</p> <p>2 Q. I'm just asking you if this was</p> <p>3 a case against you.</p> <p>4 A. I never went to court for</p> <p>5 anything like this for any Capital One.</p> <p>6 Q. Did you have a credit card with</p> <p>7 Capital One?</p> <p>8 A. Yeah, I had a Capital One</p> <p>9 credit card.</p> <p>10 Q. And do you know if they sued</p> <p>11 you in connection --</p> <p>12 A. No, I don't.</p> <p>13 Q. -- with the credit card?</p> <p>14 A. No.</p> <p>15 Q. And you see that notation in</p> <p>16 the second column? Does that say "paying</p> <p>17 now"?</p> <p>18 A. The second column of where?</p> <p>19 Q. Next to the Capital One, to the</p> <p>20 left.</p> <p>21 A. Oh, okay.</p> <p>22 You're asking me if it says</p> <p>23 "paying now"?</p> <p>24 Q. Yeah.</p> <p>25 Is that what it looks like to</p>	<p>Page 53</p> <p>1 V. CALLENDER</p> <p>2 says Victor C. Callender as the defendant?</p> <p>3 A. Correct.</p> <p>4 Q. Is this --</p> <p>5 A. Yes.</p> <p>6 Q. Is this one of the judgments</p> <p>7 that you testified to --</p> <p>8 A. Yes.</p> <p>9 Q. -- about before?</p> <p>10 A. Right, that I paid off.</p> <p>11 Q. And No. 8 on this form --</p> <p>12 A. Uh-huh.</p> <p>13 Q. -- do you see where it says</p> <p>14 "AIS Services"?</p> <p>15 A. Uh-huh.</p> <p>16 Q. In the fifth column, it says</p> <p>17 "Carol Callender."</p> <p>18 Is that your mother?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 the form of the question.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: Yeah, it's my</p> <p>23 mother's name.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. Is the information that you see</p>

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<p>Page 54</p> <p>1 V. CALLENDER</p> <p>2 in No. 8, is that another one of the</p> <p>3 judgments --</p> <p>4 MR. KESHAVARZ: Object.</p> <p>5 BY MS. LASTORINO:</p> <p>6 Q. -- on the credit card report?</p> <p>7 A. I have no clue. I see my mom's</p> <p>8 name, but I have -- I have no clue.</p> <p>9 Q. Did you have any credit cards</p> <p>10 jointly with your mother?</p> <p>11 A. I can't remember.</p> <p>12 Q. Do you know --</p> <p>13 Do you remember if you were a</p> <p>14 defendant in a lawsuit by AIS Services?</p> <p>15 MR. KESHAVARZ: Objection to</p> <p>16 the form of the question.</p> <p>17 THE WITNESS: AIS Services.</p> <p>18 AIS.</p> <p>19 I don't know. I don't know who</p> <p>20 AIS Services is.</p> <p>21 MS. LASTORINO: Can you mark</p> <p>22 this.</p> <p>23 (Defendant's Exhibit C,</p> <p>24 WebCivil Local Case Detail, was</p> <p>25 marked for identification.)</p>	<p>Page 56</p> <p>1 V. CALLENDER</p> <p>2 produced in discovery?</p> <p>3 MS. LASTORINO: Right.</p> <p>4 Correct.</p> <p>5 MR. KESHAVARZ: Why not?</p> <p>6 It's printed out October 24th,</p> <p>7 so --</p> <p>8 MS. LASTORINO: Yeah, that was</p> <p>9 yesterday, so I'll be more than happy</p> <p>10 to Bates stamp it for you.</p> <p>11 BY MS. LASTORINO:</p> <p>12 Q. Did you take a look at it?</p> <p>13 A. Yeah, I looked at it.</p> <p>14 Q. Okay.</p> <p>15 Do you see the case name? It</p> <p>16 says, "AIS Services APO Chase Manhattan</p> <p>17 Bank" --</p> <p>18 A. Uh-huh.</p> <p>19 Q. -- "versus Callender, Carol M.,</p> <p>20 Callender, Victor C.?"</p> <p>21 A. Uh-huh.</p> <p>22 Q. You testified earlier that one</p> <p>23 of the judgments was Chase Bank.</p> <p>24 Does this --</p> <p>25 A. I said it might have been</p>
<p>Page 55</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Take a look at what's been</p> <p>4 marked Defendant's C.</p> <p>5 MR. KESHAVARZ: Do you have a</p> <p>6 copy for me?</p> <p>7 MS. LASTORINO: I don't have</p> <p>8 extra copies.</p> <p>9 BY MS. LASTORINO:</p> <p>10 Q. Did you look at it yet?</p> <p>11 A. No, I didn't look at it because</p> <p>12 I want to put these side to side.</p> <p>13 (Document review.)</p> <p>14 MR. KESHAVARZ: I would note</p> <p>15 there's no Bates stamp on this</p> <p>16 document.</p> <p>17 MS. LASTORINO: Yeah, I didn't</p> <p>18 get to Bates stamp it yet.</p> <p>19 MR. KESHAVARZ: So you have a</p> <p>20 document that's being used as an</p> <p>21 exhibit that apparently has not been</p> <p>22 produced in discovery?</p> <p>23 MS. LASTORINO: No, it hasn't</p> <p>24 been yet.</p> <p>25 MR. KESHAVARZ: It hasn't been</p>	<p>Page 57</p> <p>1 V. CALLENDER</p> <p>2 Chase.</p> <p>3 Q. Okay. Does this refresh your</p> <p>4 recollection as to it --</p> <p>5 A. Right.</p> <p>6 Q. -- being Chase?</p> <p>7 MR. KESHAVARZ: Objection to</p> <p>8 the form of the question.</p> <p>9 You may answer, if you know.</p> <p>10 THE WITNESS: Repeat the</p> <p>11 question.</p> <p>12 MS. LASTORINO: Can you read it</p> <p>13 back.</p> <p>14 (The requested portion of the</p> <p>15 record was read back.)</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question.</p> <p>18 You may answer, if you know.</p> <p>19 THE WITNESS: Right. Yes.</p> <p>20 This is one.</p> <p>21 BY MS. LASTORINO:</p> <p>22 Q. Okay. And is this the one</p> <p>23 where --</p> <p>24 A. I showed up to court and they</p> <p>25 wasn't there -- nobody showed up to</p>

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<p>Page 58</p> <p>1 V. CALLENDER</p> <p>2 represent.</p> <p>3 Q. Okay. So this is the one where</p> <p>4 the default judgment was vacated?</p> <p>5 A. Right.</p> <p>6 Q. Okay.</p> <p>7 A. That's when I showed up and</p> <p>8 nobody's there. I took two days off work.</p> <p>9 I lost payday, two days, and no one showed</p> <p>10 up.</p> <p>11 Q. So -- and you testified before</p> <p>12 that you did have a credit card with Chase,</p> <p>13 right?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 the form of the question.</p> <p>16 You may answer, if you know.</p> <p>17 THE WITNESS: Well, if this</p> <p>18 says I had a -- yeah.</p> <p>19 BY MS. LASTORINO:</p> <p>20 Q. So after --</p> <p>21 So by vacate -- having the</p> <p>22 judgment vacated, you didn't have to pay</p> <p>23 any money on this account, right?</p> <p>24 MR. KESHAVARZ: Objection to</p> <p>25 the form of the question.</p>	<p>Page 60</p> <p>1 V. CALLENDER</p> <p>2 Q. Well, I'm talking about ever.</p> <p>3 A. Ever.</p> <p>4 Q. Were you ever sued as a</p> <p>5 defendant?</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 the form of the question.</p> <p>8 You may answer, if you know.</p> <p>9 THE WITNESS: No, not that I</p> <p>10 can recall. Never been sued.</p> <p>11 BY MS. LASTORINO:</p> <p>12 Q. How about being the person who</p> <p>13 sued somebody else? Other than this</p> <p>14 instant case, did you ever sue anybody</p> <p>15 else?</p> <p>16 A. No.</p> <p>17 Q. So this is the first lawsuit</p> <p>18 you ever commenced?</p> <p>19 A. Yes.</p> <p>20 Q. Do you know what the FDCPA is?</p> <p>21 A. No.</p> <p>22 Q. So in connection with the</p> <p>23 Discover Bank -- now, let's go to the</p> <p>24 Discover Bank judgment.</p> <p>25 You testified that you learned</p>
<p>Page 59</p> <p>1 V. CALLENDER</p> <p>2 You may answer, if you know.</p> <p>3 THE WITNESS: I don't know. My</p> <p>4 recollection, if it's vacated, then I</p> <p>5 don't have to pay anything on that,</p> <p>6 if it's vacated.</p> <p>7 BY MS. LASTORINO:</p> <p>8 Q. Okay.</p> <p>9 A. Because they didn't -- they</p> <p>10 never showed up.</p> <p>11 Q. So other than those judgments</p> <p>12 against you, were you ever -- were you sued</p> <p>13 for anything else?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 the form of the question.</p> <p>16 You may answer, if you know.</p> <p>17 THE WITNESS: Other than the</p> <p>18 judgments --</p> <p>19 BY MS. LASTORINO:</p> <p>20 Q. Right.</p> <p>21 A. -- if I was sued for anything?</p> <p>22 I can't -- I can't recall.</p> <p>23 If we're talking 2012, those</p> <p>24 are the only things I knew I was being sued</p> <p>25 for.</p>	<p>Page 61</p> <p>1 V. CALLENDER</p> <p>2 about that judgment the same time you</p> <p>3 learned about the two other judgments</p> <p>4 against you when you obtained a credit</p> <p>5 report --</p> <p>6 A. Right.</p> <p>7 Q. -- correct?</p> <p>8 A. Discover.</p> <p>9 Q. What's the first thing you did</p> <p>10 after you learned about the Discover Bank</p> <p>11 judgment now, I want to focus on?</p> <p>12 A. I went to the court. And</p> <p>13 that's when they gave me information on</p> <p>14 filing a motion to vacate.</p> <p>15 Q. And who did you meet with at</p> <p>16 the court?</p> <p>17 A. I can't remember the lawyer's</p> <p>18 name. They were free lawyers.</p> <p>19 Q. Three?</p> <p>20 A. Free. They were free.</p> <p>21 Q. Oh, free lawyers?</p> <p>22 A. Yeah, from the city.</p> <p>23 Q. And then you obtained paperwork</p> <p>24 that you had to fill out?</p> <p>25 A. Yes, I obtained the paperwork</p>

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<p>Page 62</p> <p>1 V. CALLENDER</p> <p>2 and they walked me through filling out the</p> <p>3 paperwork.</p> <p>4 Q. And what did you do after you</p> <p>5 filled out the paperwork?</p> <p>6 A. They told me I needed to mail</p> <p>7 it to the address, whatever address was on</p> <p>8 the -- on the paperwork.</p> <p>9 Q. So the attorneys told you where</p> <p>10 to mail it?</p> <p>11 A. No. There was a paper with</p> <p>12 like -- with the judgments and the mailing</p> <p>13 address. So the address that I took from</p> <p>14 that, that's the address that I used from</p> <p>15 the information.</p> <p>16 Q. And where did you get that</p> <p>17 information from?</p> <p>18 A. Where'd I get it from? I</p> <p>19 can't -- I can't remember.</p> <p>20 Q. Did you look --</p> <p>21 A. I just can't remember.</p> <p>22 Q. -- at a court file?</p> <p>23 A. I can't remember. That, I</p> <p>24 can't remember.</p> <p>25 I don't know if I got the</p>	<p>Page 64</p> <p>1 V. CALLENDER</p> <p>2 take the day off and lose pay to go to</p> <p>3 court. I went to court, sat in the back</p> <p>4 and --</p> <p>5 Q. What day --</p> <p>6 I'm sorry?</p> <p>7 A. And no one showed up.</p> <p>8 Q. And what day was that?</p> <p>9 A. Off the top of my head, I can't</p> <p>10 remember the date. Sorry.</p> <p>11 Q. Just sometime 2012?</p> <p>12 A. Yes, in 2012. I can't remember</p> <p>13 the date. Maybe -- I know it's between</p> <p>14 January and August. I know it's not later</p> <p>15 than that.</p> <p>16 Q. Now, were all three of these --</p> <p>17 when I say "three of these," I'm talking</p> <p>18 about the two other judgments against you</p> <p>19 and the Discover Bank judgment, you had to</p> <p>20 go to court on all three?</p> <p>21 A. Yeah, but I don't think -- it's</p> <p>22 not the same day; different day, different</p> <p>23 months.</p> <p>24 Q. But all in 2012?</p> <p>25 A. Yes.</p>
<p>Page 63</p> <p>1 V. CALLENDER</p> <p>2 address off the credit report. I don't</p> <p>3 know if -- if I had to go -- I don't think</p> <p>4 I went on the Internet, but I don't think I</p> <p>5 had to go -- I don't know if I got it down</p> <p>6 at the courts. I don't know. I can't</p> <p>7 remember. But I know I had gotten the --</p> <p>8 the address.</p> <p>9 Q. And where did you send it?</p> <p>10 MR. KESHAVARZ: Objection to</p> <p>11 the form of the question.</p> <p>12 THE WITNESS: Whatever the</p> <p>13 address was.</p> <p>14 BY MS. LASTORINO:</p> <p>15 Q. Did you send it to a law firm?</p> <p>16 A. I don't know if it was a law</p> <p>17 firm. I remember a name like Cormick</p> <p>18 Avenue, Cormick something. I don't know.</p> <p>19 Q. And then what happened after</p> <p>20 you mailed it?</p> <p>21 A. After a couple weeks or a</p> <p>22 couple of months, I got a card in the mail</p> <p>23 stating that I had to go to court.</p> <p>24 Q. And did you go to court?</p> <p>25 A. Of course. I took -- I had to</p>	<p>Page 65</p> <p>1 V. CALLENDER</p> <p>2 Q. And then after you showed up in</p> <p>3 court and you said nobody was there?</p> <p>4 A. Yeah.</p> <p>5 Q. Then what happened?</p> <p>6 A. I don't know. The judge, I</p> <p>7 think, gave me a paper that said -- that</p> <p>8 said something about returning it to the</p> <p>9 calendar year, and I remember asking him</p> <p>10 about that, what that means. I can't</p> <p>11 remember his answer, but then I got -- when</p> <p>12 I got home, a couple weeks later, I got</p> <p>13 another notice that I had to return back to</p> <p>14 court again.</p> <p>15 Q. And did you go back to court?</p> <p>16 A. Of course I was there. Another</p> <p>17 day I lost pay.</p> <p>18 Q. And what happened on that date?</p> <p>19 A. No one ever showed up.</p> <p>20 Q. So you were able to get the</p> <p>21 default judgment vacated?</p> <p>22 A. I asked the judge if there's</p> <p>23 going to be another time for me to come</p> <p>24 back, because I can't be taking days off my</p> <p>25 work and these people are not showing up.</p>

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<p>Page 66</p> <p>1 V. CALLENDER</p> <p>2 And he said, no, that's it.</p> <p>3 So I said, what do I do from</p> <p>4 now? He said, make sure you keep the</p> <p>5 paperwork because they have a tendency of</p> <p>6 coming back to haunt you, so keep your</p> <p>7 paperwork.</p> <p>8 Q. The judge told you that?</p> <p>9 A. The judge told me that. He</p> <p>10 said make sure you keep your paperwork.</p> <p>11 Q. And did you?</p> <p>12 A. I kept my paperwork in a secret</p> <p>13 compartment, hidden away, just like the</p> <p>14 judge said.</p> <p>15 Q. And did you give those papers</p> <p>16 in the secret compartment to your attorney</p> <p>17 in this case?</p> <p>18 MR. KESHAVARZ: Objection to</p> <p>19 the form of the question.</p> <p>20 You may answer it.</p> <p>21 THE WITNESS: Yes.</p> <p>22 BY MS. LASTORINO:</p> <p>23 Q. So all of those papers were</p> <p>24 provided to your attorney?</p> <p>25 A. Yeah, the paperwork that the</p>	<p>Page 68</p> <p>1 V. CALLENDER</p> <p>2 what you recall?</p> <p>3 A. They were saying that I owed</p> <p>4 9- -- like around \$9,000, to Forster &</p> <p>5 Garbus. That's what I remember.</p> <p>6 Q. And is it your understanding</p> <p>7 that all of those five letters said the</p> <p>8 same thing, that you owed that amount of</p> <p>9 money?</p> <p>10 A. Yeah, and I had a case that was</p> <p>11 vacated so there was no way that I could</p> <p>12 owe \$9,000. I was free at that time.</p> <p>13 Q. Did you ever tell Forster &</p> <p>14 Garbus that you vacated the judgment?</p> <p>15 A. No. I -- I sent them a</p> <p>16 letter -- I sent them -- I remember sending</p> <p>17 them a letter asking them to prove that I</p> <p>18 owe that money. That's what I did.</p> <p>19 Q. And what did you tell them in</p> <p>20 that letter?</p> <p>21 A. I can't remember off the top of</p> <p>22 my head what I told them. It was a long</p> <p>23 letter.</p> <p>24 Q. I'm sorry, I didn't --</p> <p>25 A. It was a long letter so I can't</p>
<p>Page 67</p> <p>1 V. CALLENDER</p> <p>2 judge gave me I gave to the attorney -- to</p> <p>3 the attorney.</p> <p>4 Q. Did you have a credit card with</p> <p>5 Discover Bank?</p> <p>6 A. If there's a judgment against</p> <p>7 me and my name on it, yes, I did.</p> <p>8 Q. Now, in terms of the three</p> <p>9 judgments, two of which you testified were</p> <p>10 vacated and one of which you settled</p> <p>11 with --</p> <p>12 A. Right.</p> <p>13 Q. -- do you recall which judgment</p> <p>14 you vacated first? Was it the Discover</p> <p>15 Bank or the Chase?</p> <p>16 A. I can't remember which one</p> <p>17 was -- was first.</p> <p>18 Q. Was it a month apart? Two</p> <p>19 months apart?</p> <p>20 A. I can't remember.</p> <p>21 Q. Now, you testified earlier that</p> <p>22 you received several letters, approximately</p> <p>23 five, from Forster & Garbus?</p> <p>24 A. Uh-huh.</p> <p>25 Q. Can you tell me what they said,</p>	<p>Page 69</p> <p>1 V. CALLENDER</p> <p>2 remember word-for-word. But I just wanted</p> <p>3 them to show me proof that I owed them that</p> <p>4 money because I didn't know who Forster &</p> <p>5 Garbus was. And that year, I had -- I had</p> <p>6 cases that was vacated so I didn't owe</p> <p>7 anybody any money so I don't know where</p> <p>8 this \$10,000 or 9,000 and change was coming</p> <p>9 from.</p> <p>10 MS. LASTORINO: Can you mark</p> <p>11 that.</p> <p>12 (Defendant's Exhibit D, a</p> <p>13 letter dated October 23, 2012, Bates</p> <p>14 stamped FG_000008 and FG_000010, was</p> <p>15 marked for identification.)</p> <p>16 BY MS. LASTORINO:</p> <p>17 Q. Can you take a look at what's</p> <p>18 been marked as Exhibit D, please.</p> <p>19 MR. KESHAVARZ: Do you have a</p> <p>20 copy for me?</p> <p>21 MS. LASTORINO: I don't have</p> <p>22 any copies. You don't have to --</p> <p>23 you're asking me every time, it's</p> <p>24 going to be the same answer.</p> <p>25 Oh, actually, if you want to</p>

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<p>Page 70</p> <p>1 V. CALLENDER</p> <p>2 take a look at the first page. I</p> <p>3 just don't have the attachment.</p> <p>4 MR. KESHAVARZ: Thank you.</p> <p>5 THE WITNESS: (Document</p> <p>6 review.)</p> <p>7 Yeah, that's the letter.</p> <p>8 BY MS. LASTORINO:</p> <p>9 Q. That's the letter that you just</p> <p>10 testified to?</p> <p>11 A. Yep.</p> <p>12 Q. So that's your signature at the</p> <p>13 bottom?</p> <p>14 A. Yeah.</p> <p>15 Q. And do you see -- do you see on</p> <p>16 the bottom where it says, "CC: FTC</p> <p>17 Consumer Response Center, New York City</p> <p>18 Department of Consumer Affairs"?</p> <p>19 A. Right.</p> <p>20 Q. You sent this letter to the</p> <p>21 Department of Consumer Affairs?</p> <p>22 A. Right. I must have sent it</p> <p>23 to -- yeah.</p> <p>24 Q. And it's --</p> <p>25 MR. KESHAVARZ: May I? Are you</p>	<p>Page 72</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Now, did you file a complaint</p> <p>4 with the Department of Consumer Affairs?</p> <p>5 A. Yeah.</p> <p>6 Q. Other than this letter?</p> <p>7 A. A complaint to the -- I know I</p> <p>8 filed a complaint. I filed a complaint</p> <p>9 because I kept on getting a letter --</p> <p>10 getting the letters after -- I kept on</p> <p>11 getting their letters giving -- I wanted --</p> <p>12 I filed a complaint, because the letters</p> <p>13 weren't stopping and they weren't sending</p> <p>14 any information to me to let me know that</p> <p>15 there was this proof that this was my --</p> <p>16 that this was my -- this was mine, the</p> <p>17 \$9,000 that I had to pay was mine.</p> <p>18 Q. So --</p> <p>19 A. So I had to file.</p> <p>20 Q. Okay. My question is --</p> <p>21 because I haven't received a separate</p> <p>22 complaint in this case, so I just didn't</p> <p>23 know if this letter was your complaint.</p> <p>24 Or if you filed something</p> <p>25 separate with the Department of Consumer</p>
<p>Page 71</p> <p>1 V. CALLENDER</p> <p>2 saying the second page was with the</p> <p>3 first page?</p> <p>4 MS. LASTORINO: Well, I'm going</p> <p>5 to ask him.</p> <p>6 MR. KESHAVARZ: Okay. Go</p> <p>7 ahead.</p> <p>8 BY MS. LASTORINO:</p> <p>9 Q. Do you see the bottom where it</p> <p>10 says, "Enclosed excerpts from credit</p> <p>11 report"?</p> <p>12 Do you see that?</p> <p>13 A. Uh-huh.</p> <p>14 Q. Go to the second page.</p> <p>15 Is that the excerpt from the</p> <p>16 credit report that you enclosed --</p> <p>17 MR. KESHAVARZ: Objection to</p> <p>18 the --</p> <p>19 BY MS. LASTORINO:</p> <p>20 Q. -- in your letter?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 the form of the question.</p> <p>23 You may answer.</p> <p>24 THE WITNESS: Yeah.</p> <p>25</p>	<p>Page 73</p> <p>1 V. CALLENDER</p> <p>2 Affairs?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 the form of the question.</p> <p>5 If you know the answer, you may</p> <p>6 answer.</p> <p>7 THE WITNESS: I don't know if</p> <p>8 you're trying to confuse me or what,</p> <p>9 but --</p> <p>10 BY MS. LASTORINO:</p> <p>11 Q. No, I'm not trying to confuse</p> <p>12 you at all.</p> <p>13 A. This -- okay.</p> <p>14 Q. I'm just trying to clarify</p> <p>15 something.</p> <p>16 A. (Reading.)</p> <p>17 This is what I sent.</p> <p>18 Q. Okay. You prepared this letter</p> <p>19 yourself?</p> <p>20 A. I was assist -- I had help.</p> <p>21 Q. Who helped you?</p> <p>22 A. An attorney.</p> <p>23 Q. And who was that?</p> <p>24 A. I can't remember her name. I</p> <p>25 can't remember the company.</p>

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<p>Page 74</p> <p>1 V. CALLENDER</p> <p>2 Q. And where was this attorney</p> <p>3 located?</p> <p>4 A. I know it was the Lower East</p> <p>5 Side, but I can't remember the name of the</p> <p>6 company.</p> <p>7 Q. It was a he or a she?</p> <p>8 A. It was a he.</p> <p>9 Q. Did you pay him?</p> <p>10 A. No.</p> <p>11 Q. How did he help you with the</p> <p>12 letter?</p> <p>13 A. He explained what the letter</p> <p>14 was about and -- and told me where I needed</p> <p>15 to sign.</p> <p>16 Q. And did he help you with what</p> <p>17 language to use in it?</p> <p>18 A. Yeah, kind of.</p> <p>19 Q. Is everything in this letter</p> <p>20 true and accurate?</p> <p>21 A. Yes. Pertaining to the letters</p> <p>22 I was receiving from Forster & Garbus, yes.</p> <p>23 Q. So do you --</p> <p>24 Take a look at the letter,</p> <p>25 Mr. Callender.</p>	<p>Page 76</p> <p>1 V. CALLENDER</p> <p>2 Q. Never filed an incident report?</p> <p>3 A. No. That might have been the</p> <p>4 next step.</p> <p>5 Q. Do you see the sentence after</p> <p>6 that that says, "I have never had an</p> <p>7 account with Discover Bank"?</p> <p>8 A. Yeah, I see that.</p> <p>9 Q. And that's true, too?</p> <p>10 MR. KESHAVARZ: Well, that's</p> <p>11 not what it says.</p> <p>12 MS. LASTORINO: I'm just asking</p> <p>13 him.</p> <p>14 MR. KESHAVARZ: That's not what</p> <p>15 the whole sentence says.</p> <p>16 THE WITNESS: Wait, wait, yeah.</p> <p>17 A trick or something.</p> <p>18 BY MS. LASTORINO:</p> <p>19 Q. Tell me whatever you want to</p> <p>20 tell me about that sentence.</p> <p>21 MR. KESHAVARZ: Under this</p> <p>22 account number.</p> <p>23 THE WITNESS: Okay. You see</p> <p>24 this account? You see on the bottom</p> <p>25 what it says there?</p>
<p>Page 75</p> <p>1 V. CALLENDER</p> <p>2 A. Uh-huh.</p> <p>3 Q. Do you see in the middle where</p> <p>4 it says, "I do not owe this debt and</p> <p>5 dispute it because I believe I was a victim</p> <p>6 of identity theft"?</p> <p>7 A. Right. This is because I went</p> <p>8 to court previous months and I had my -- it</p> <p>9 was vacated. Whatever cases I had against</p> <p>10 me as far as judgments, they were vacated.</p> <p>11 So if somebody's sending me a letter and</p> <p>12 stating that I owe \$10,000, then it must</p> <p>13 have been -- it must be an identity theft.</p> <p>14 That's what I'm assuming. I'm not sure if</p> <p>15 it's an identity theft, I'm just assuming</p> <p>16 that's it. And it must be identity theft</p> <p>17 unless you show me that the copy of the</p> <p>18 original application, copy of the</p> <p>19 statements, copy of the judgments and all</p> <p>20 that stuff. That's what this letter was</p> <p>21 about.</p> <p>22 Q. Did you ever report to the</p> <p>23 police that you may have been a victim of</p> <p>24 identity theft?</p> <p>25 A. Nope.</p>	<p>Page 77</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Uh-huh.</p> <p>4 A. It says, "I have never had an</p> <p>5 account with Discover Bank and this</p> <p>6 creditor under account number</p> <p>7 103002130730716 does not appear on my</p> <p>8 credit report."</p> <p>9 Q. So when you got your credit</p> <p>10 report, there was a judgment on there by --</p> <p>11 from Discover Bank, right?</p> <p>12 MR. KESHAVARZ: Objection to</p> <p>13 the form of the question.</p> <p>14 THE WITNESS: Right.</p> <p>15 BY MS. LASTORINO:</p> <p>16 Q. Was there anything else on that</p> <p>17 credit report regarding Discover Bank?</p> <p>18 MR. KESHAVARZ: Objection to</p> <p>19 the form of the question.</p> <p>20 You may answer, if you know.</p> <p>21 THE WITNESS: I don't know.</p> <p>22 Whatever judgment that was on there,</p> <p>23 that's what I went to court for.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. Okay. Now, after reading this</p>

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<p>Page 78</p> <p>1 V. CALLENDER</p> <p>2 letter, isn't it true that you didn't</p> <p>3 mention that the default judgment had been</p> <p>4 vacated, that you vacated it?</p> <p>5 MR. KESHAVARZ: Objection to</p> <p>6 the form of the question.</p> <p>7 THE WITNESS: I didn't think I</p> <p>8 needed to.</p> <p>9 BY MS. LASTORINO:</p> <p>10 Q. And why is that?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 the form of the question.</p> <p>13 THE WITNESS: Because these</p> <p>14 people were stating that I owe money,</p> <p>15 so that's not -- it wasn't their</p> <p>16 business. They just needed to prove</p> <p>17 to me that I owed that money.</p> <p>18 BY MS. LASTORINO:</p> <p>19 Q. So you're saying --</p> <p>20 A. That it wasn't --</p> <p>21 Q. I'm sorry.</p> <p>22 A. They needed to prove to me that</p> <p>23 I owed the \$10,000 they were asking for.</p> <p>24 Q. So you didn't think it was</p> <p>25 important to tell them that you --</p>	<p>Page 80</p> <p>1 V. CALLENDER</p> <p>2 was important because I already vacated the</p> <p>3 case, so this was something completely new</p> <p>4 to me. So I wanted to attack this and</p> <p>5 figure out what this was, popping up months</p> <p>6 after I went to court and lost two days of</p> <p>7 pay.</p> <p>8 Q. Was there a deliberate reason</p> <p>9 that you may not have told Forster & Garbus</p> <p>10 that you have vacated the default judgment?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 the form of the question.</p> <p>13 You may answer, if you know.</p> <p>14 THE WITNESS: I didn't know who</p> <p>15 Forster & Garbus was.</p> <p>16 BY MS. LASTORINO:</p> <p>17 Q. But you were sending them a</p> <p>18 letter, correct?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 the form of the question.</p> <p>21 THE WITNESS: Because they were</p> <p>22 sending me a letter saying that I</p> <p>23 owed them money.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. On the Discover Bank?</p>
<p>Page 79</p> <p>1 V. CALLENDER</p> <p>2 A. I didn't --</p> <p>3 Q. -- went to court and vacated</p> <p>4 the default judgment?</p> <p>5 A. No, I didn't think --</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 the form of the question.</p> <p>8 THE WITNESS: I didn't think I</p> <p>9 was supposed to do that, or I'm</p> <p>10 supposed to do that.</p> <p>11 BY MS. LASTORINO:</p> <p>12 Q. Now, that attorney that you met</p> <p>13 with, that male attorney in the Lower East</p> <p>14 Side, did he know that you vacated the</p> <p>15 default judgment?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question.</p> <p>18 You may answer, if you know.</p> <p>19 THE WITNESS: I can't remember.</p> <p>20 BY MS. LASTORINO:</p> <p>21 Q. You can't remember?</p> <p>22 A. Uh-huh. I can't remember if I</p> <p>23 discussed it with him. I must have</p> <p>24 discussed it with him, but I don't know. I</p> <p>25 can't remember. Again, I didn't think it</p>	<p>Page 81</p> <p>1 V. CALLENDER</p> <p>2 A. They were sending me letters --</p> <p>3 MR. KESHAVARZ: Just give me a</p> <p>4 pause for one second.</p> <p>5 Objection to the form of the</p> <p>6 question.</p> <p>7 You may answer.</p> <p>8 THE WITNESS: They were sending</p> <p>9 me letters upon letters that I owed</p> <p>10 this money so I was sending the</p> <p>11 letters to ask them to prove to me</p> <p>12 that I owed, and they never did.</p> <p>13 BY MS. LASTORINO:</p> <p>14 Q. Do you have a copy of that</p> <p>15 credit report --</p> <p>16 A. No.</p> <p>17 Q. -- that you pulled in 2012?</p> <p>18 A. I don't have it.</p> <p>19 Q. Did you destroy it?</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 the form of the question.</p> <p>22 THE WITNESS: No. I don't have</p> <p>23 it on me. I don't have it.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. I am not asking if you have it</p>

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<p>Page 82</p> <p>1 V. CALLENDER</p> <p>2 on you.</p> <p>3 Do you have it at home?</p> <p>4 A. No, I don't have it.</p> <p>5 Q. So what happened to it?</p> <p>6 A. I don't know. It disappeared.</p> <p>7 Q. It disappeared?</p> <p>8 A. I don't know. I don't have it.</p> <p>9 Q. Well, how do you think it</p> <p>10 disappeared?</p> <p>11 MR. KESHAVARZ: Objection to</p> <p>12 the form of the question. This is</p> <p>13 becoming abusive.</p> <p>14 You may answer.</p> <p>15 THE WITNESS: Because after --</p> <p>16 I'm very meticulous with my</p> <p>17 paperwork. After a certain amount of</p> <p>18 years, I destroy certain things that</p> <p>19 I don't need clouding up my</p> <p>20 apartment.</p> <p>21 BY MS. LASTORINO:</p> <p>22 Q. So it's not in the secret</p> <p>23 compartment?</p> <p>24 A. No, it's not in the secret</p> <p>25 compartment because the judge didn't tell</p>	<p>Page 84</p> <p>1 V. CALLENDER</p> <p>2 Q. Was the complaint that you sent</p> <p>3 to the Department of Consumer Affairs, was</p> <p>4 it a form -- was it a form that you had to</p> <p>5 fill out?</p> <p>6 A. I don't remember.</p> <p>7 Q. Was it in a letter format?</p> <p>8 A. It was -- yeah, I think it was</p> <p>9 a letter format.</p> <p>10 Q. And was it a letter addressed</p> <p>11 to the Department of Consumer Affairs?</p> <p>12 A. Yeah.</p> <p>13 MS. LASTORINO: I'm going to</p> <p>14 demand production of that letter that</p> <p>15 was sent to the Department of</p> <p>16 Consumer Affairs.</p> <p>17 BY MS. LASTORINO:</p> <p>18 Q. So after you filed a complaint</p> <p>19 with the Department of Consumer Affairs,</p> <p>20 what happened next?</p> <p>21 MR. KESHAVARZ: Objection to</p> <p>22 the form of the question.</p> <p>23 You may answer, if you know.</p> <p>24 THE WITNESS: They sent me a</p> <p>25 letter and they said they were</p>
<p>Page 83</p> <p>1 V. CALLENDER</p> <p>2 me to keep my -- my credit report. He told</p> <p>3 me to keep the Discover Bank vacate motion.</p> <p>4 Q. About how many pages was the</p> <p>5 credit report; do you remember?</p> <p>6 A. I don't remember that.</p> <p>7 Q. Did you have any conversations</p> <p>8 with any employee at the Department of</p> <p>9 Consumer Affairs on the Discover Bank</p> <p>10 matter after you filed the complaint?</p> <p>11 A. I don't -- I don't know. I</p> <p>12 don't know. I can't remember.</p> <p>13 Q. And would you have a copy of</p> <p>14 the complaint that you filed at home or --</p> <p>15 or somewhere?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question.</p> <p>18 You may answer, if you know.</p> <p>19 THE WITNESS: I don't know.</p> <p>20 BY MS. LASTORINO:</p> <p>21 Q. Was it?</p> <p>22 A. This is -- this --</p> <p>23 Q. Go ahead.</p> <p>24 A. This is 2012. Like -- like I</p> <p>25 won't -- no, I don't -- I don't have it.</p>	<p>Page 85</p> <p>1 V. CALLENDER</p> <p>2 looking into it.</p> <p>3 BY MS. LASTORINO:</p> <p>4 Q. Did they -- they sent you a</p> <p>5 letter that said that?</p> <p>6 A. Yeah.</p> <p>7 Q. And did you have any</p> <p>8 communication with them after that?</p> <p>9 A. No. They said they were</p> <p>10 looking into it so I trust their judgment.</p> <p>11 Q. Did you ever follow up to see</p> <p>12 how the investigation went?</p> <p>13 A. No. Because I got another</p> <p>14 letter.</p> <p>15 Q. And what did that letter say?</p> <p>16 A. I can't remember.</p> <p>17 Q. So how many letters did you get</p> <p>18 from the Department of Consumer Affairs?</p> <p>19 A. I think it's -- it's two. I'm</p> <p>20 not sure.</p> <p>21 Q. You received two letters?</p> <p>22 A. I think it's two. I'm not</p> <p>23 sure. I don't know if -- I know I sent</p> <p>24 them a letter and they sent me a letter and</p> <p>25 then I got another letter. I don't know if</p>

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<p>Page 86</p> <p>1 V. CALLENDER</p> <p>2 the other letter was from Forster & Garbus</p> <p>3 or if the second letter was from the</p> <p>4 Consumer Affairs. I'm not sure. But I</p> <p>5 know I got -- I got two letters talking</p> <p>6 about what was going on with that case, but</p> <p>7 I can't remember off the top of my head.</p> <p>8 Q. Now, after you filed the</p> <p>9 complaint with the Department of Consumer</p> <p>10 Affairs, did you receive a letter from</p> <p>11 Discover Bank at all?</p> <p>12 MR. KESHAVARZ: Objection to</p> <p>13 the form of the question.</p> <p>14 You may answer.</p> <p>15 THE WITNESS: No, I don't</p> <p>16 recall. No, I don't recall. I don't</p> <p>17 think so. Everything at that point</p> <p>18 was getting from Forster & Garbus.</p> <p>19 BY MS. LASTORINO:</p> <p>20 Q. So did you ever learn from</p> <p>21 Discover Bank that they did a fraud</p> <p>22 investigation on your account?</p> <p>23 MR. KESHAVARZ: Objection to</p> <p>24 the form of the question.</p> <p>25 You may answer, if you know.</p>	<p>Page 88</p> <p>1 V. CALLENDER</p> <p>2 Is that your signature?</p> <p>3 A. Yeah.</p> <p>4 Q. Okay. And is this the --</p> <p>5 A. Uh-huh.</p> <p>6 Q. -- document you filed?</p> <p>7 A. That's correct.</p> <p>8 Q. And this is what resulted in</p> <p>9 the Discover Bank judgment being vacated?</p> <p>10 A. Yes.</p> <p>11 (Defendant's Exhibit F,</p> <p>12 "Proposed" Written Answer Consumer</p> <p>13 Credit Transaction, Bates stamped</p> <p>14 Callender 116, was marked for</p> <p>15 identification.)</p> <p>16 BY MS. LASTORINO:</p> <p>17 Q. Take a look at what's been</p> <p>18 marked as Exhibit F.</p> <p>19 A. (Document review.)</p> <p>20 Q. Do you recognize that?</p> <p>21 A. Yeah.</p> <p>22 Q. Can you tell me what it is?</p> <p>23 A. It's one of the forms I filled</p> <p>24 out when I went to the Bronx court.</p> <p>25 Q. And that's your signature on</p>
<p>Page 87</p> <p>1 V. CALLENDER</p> <p>2 THE WITNESS: From -- from</p> <p>3 Discover -- can you repeat that</p> <p>4 question, did I know.</p> <p>5 MS. LASTORINO: Can you read it</p> <p>6 back.</p> <p>7 (The requested portion of the</p> <p>8 record was read back.)</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 the form of the question.</p> <p>11 You may answer.</p> <p>12 THE WITNESS: No.</p> <p>13 (Discussion off the record.)</p> <p>14 (Defendant's Exhibit E, Order</p> <p>15 to Show Cause and Affidavit in</p> <p>16 Support of Order to Show Cause, Bates</p> <p>17 stamped Callender 114 through</p> <p>18 Callender 115, was marked for</p> <p>19 identification.)</p> <p>20 BY MS. LASTORINO:</p> <p>21 Q. Take a look at what's been</p> <p>22 marked as . . .</p> <p>23 A. (Document review.)</p> <p>24 Okay.</p> <p>25 Q. Okay. Turn to the second page.</p>	<p>Page 89</p> <p>1 V. CALLENDER</p> <p>2 the bottom?</p> <p>3 A. Uh-huh.</p> <p>4 Q. And you signed it before a</p> <p>5 notary? You see that on the left, notary?</p> <p>6 A. Right.</p> <p>7 Q. And what did you just point to?</p> <p>8 A. Huh?</p> <p>9 Q. You just pointed to something</p> <p>10 on the document.</p> <p>11 What did you just point to?</p> <p>12 A. I was pointing to Discover</p> <p>13 Bank.</p> <p>14 Q. Do you see where it says</p> <p>15 "defenses"?</p> <p>16 A. Uh-huh.</p> <p>17 Q. And there's boxes next to it?</p> <p>18 A. Uh-huh.</p> <p>19 Q. Do you see box No. 7 where you</p> <p>20 checked off "I dispute the amount of the</p> <p>21 debt"?</p> <p>22 A. Uh-huh.</p> <p>23 Q. And that's the only box that's</p> <p>24 checked off under defenses, right?</p> <p>25 MR. KESHAVARZ: Objection to</p>

23 (Pages 86 - 89)

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<p>Page 90</p> <p>1 V. CALLENDER</p> <p>2 the form of the question. The</p> <p>3 document speaks for itself.</p> <p>4 BY MS. LASTORINO:</p> <p>5 Q. You can answer.</p> <p>6 A. The document speaks.</p> <p>7 Q. So that's the only box that's</p> <p>8 marked off?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 the form of the question.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MS. LASTORINO:</p> <p>13 Q. Okay. So do you see Defense</p> <p>14 No. 4, "I do not owe this debt"? You</p> <p>15 didn't mark that?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question.</p> <p>18 THE WITNESS: Which box is</p> <p>19 that?</p> <p>20 BY MS. LASTORINO:</p> <p>21 Q. Number 4?</p> <p>22 A. I didn't mark it.</p> <p>23 Q. And why didn't you mark that</p> <p>24 one?</p> <p>25 MR. KESHAVARZ: Objection to</p>	<p>Page 92</p> <p>1 V. CALLENDER</p> <p>2 either, correct?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 the form of the question.</p> <p>5 THE WITNESS: No, I didn't mark</p> <p>6 that one either.</p> <p>7 BY MS. LASTORINO:</p> <p>8 Q. And why is that?</p> <p>9 MR. KESHAVARZ: Objection to</p> <p>10 the form of the question.</p> <p>11 THE WITNESS: I had no clue.</p> <p>12 At that point in time, I marked No.</p> <p>13 7.</p> <p>14 BY MS. LASTORINO:</p> <p>15 Q. And then did something change</p> <p>16 from when you did this proposed answer to</p> <p>17 when you sent Forster & Garbus the letter</p> <p>18 as to Discover Bank account?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 the form of the question.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: You're asking if</p> <p>23 something -- if anything changed?</p> <p>24 You're asking me if anything changed</p> <p>25 from the time I sent this -- wrote</p>
<p>Page 91</p> <p>1 V. CALLENDER</p> <p>2 the form.</p> <p>3 THE WITNESS: I didn't think I</p> <p>4 needed to.</p> <p>5 BY MS. LASTORINO:</p> <p>6 Q. Because you --</p> <p>7 A. Whichever one I marked, that's</p> <p>8 the one I marked at that particular time.</p> <p>9 I would -- this was years ago. And so when</p> <p>10 I looked at it, I dispute the debt.</p> <p>11 Q. So that was -- reading these,</p> <p>12 that was the only defense that you marked</p> <p>13 off?</p> <p>14 MR. KESHAVARZ: Objection to</p> <p>15 the form of the question.</p> <p>16 You may answer.</p> <p>17 THE WITNESS: Yes, reading</p> <p>18 this, that's the only one I marked</p> <p>19 off.</p> <p>20 BY MS. LASTORINO:</p> <p>21 Q. And do you see No. 5, it said,</p> <p>22 "I did not incur this debt, I am a victim</p> <p>23 of identify theft or mistaken identity"?</p> <p>24 A. Yes, I see that.</p> <p>25 Q. You didn't mark that one</p>	<p>Page 93</p> <p>1 V. CALLENDER</p> <p>2 this letter to the time that --</p> <p>3 BY MS. LASTORINO:</p> <p>4 Q. From the time you filled out</p> <p>5 this proposed answer?</p> <p>6 A. Right.</p> <p>7 Until the time that I started</p> <p>8 getting the letters?</p> <p>9 Q. No, until the time that you</p> <p>10 sent the letter to Forster & Garbus that</p> <p>11 was marked Exhibit --</p> <p>12 THE COURT REPORTER: The letter</p> <p>13 was D.</p> <p>14 BY MS. LASTORINO:</p> <p>15 Q. -- Exhibit D?</p> <p>16 A. Yeah, I think this -- after I</p> <p>17 filled this out, I had to go to court.</p> <p>18 Q. In Exhibit D, you wrote that</p> <p>19 you don't owe the debt, correct?</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 the form of the question.</p> <p>22 BY MS. LASTORINO:</p> <p>23 Q. Do you see where it says that</p> <p>24 on D in the middle, "I do not owe this debt</p> <p>25 and dispute it because I was a victim of</p>

24 (Pages 90 - 93)

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<p>Page 94</p> <p>1 V. CALLENDER</p> <p>2 identity theft?"</p> <p>3 MR. KESHAVARZ: Well, that's</p> <p>4 not what it says. You're stopping it</p> <p>5 in the middle.</p> <p>6 MS. LASTORINO: I'm saying what</p> <p>7 that sentence says.</p> <p>8 MR. KESHAVARZ: No, you're</p> <p>9 stopping the sentence.</p> <p>10 THE WITNESS: Okay. I think we</p> <p>11 went over this before, right? I</p> <p>12 don't know if I have to read the</p> <p>13 whole line again.</p> <p>14 BY MS. LASTORINO:</p> <p>15 Q. Read whatever you want.</p> <p>16 A. Okay. It's in accordance to</p> <p>17 the account number 103002130730716.</p> <p>18 Q. And where did you get that</p> <p>19 account number from?</p> <p>20 A. From -- from the paperwork that</p> <p>21 I was getting, the letters from Forster &</p> <p>22 Garbus.</p> <p>23 Q. And do you know the account</p> <p>24 number of the other --</p> <p>25 Did you only have one account</p>	<p>Page 96</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Uh-huh.</p> <p>4 A. What "vacate" mean to you?</p> <p>5 Q. I'm not the one here to answer</p> <p>6 questions; you are.</p> <p>7 A. Okay. So leave it at that.</p> <p>8 Q. Did you ever tell Discover Bank</p> <p>9 that your -- the judgment was vacated?</p> <p>10 MR. KESHAVARZ: Objection to</p> <p>11 the form of the question.</p> <p>12 You may answer.</p> <p>13 THE WITNESS: Don't -- don't</p> <p>14 recall.</p> <p>15 BY MS. LASTORINO:</p> <p>16 Q. Did you ever tell the</p> <p>17 Department of Consumer Affairs that the</p> <p>18 judgment was vacated?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 form.</p> <p>21 You may answer.</p> <p>22 THE WITNESS: I don't recall.</p> <p>23 Like I said, the only reason I was</p> <p>24 writing letters to the Consumer</p> <p>25 Affairs was because I was getting the</p>
<p>Page 95</p> <p>1 V. CALLENDER</p> <p>2 with Discover Bank?</p> <p>3 A. I have no clue. I can't</p> <p>4 remember.</p> <p>5 Q. You may have had more than one</p> <p>6 account, credit card with Discover Bank?</p> <p>7 A. When I went to the courts, they</p> <p>8 gave me the judgment slip, this paper right</p> <p>9 here, and whatever judgments are here, I</p> <p>10 went to the court, I filled these things</p> <p>11 out here and then I appeared in court. I</p> <p>12 followed the steps. Discover Bank never</p> <p>13 showed up, I lost two days of pay, they</p> <p>14 said my case was vacated, then a couple of</p> <p>15 years later I get garnished, illegally.</p> <p>16 Q. Why illegally?</p> <p>17 A. Why illegally?</p> <p>18 Q. Yeah. You said "illegally."</p> <p>19 What's the basis for that?</p> <p>20 MR. KESHAVARZ: Objection to</p> <p>21 the form of the question.</p> <p>22 You may answer, if you know.</p> <p>23 THE WITNESS: Because my cases</p> <p>24 were vacated by a judge, right?</p> <p>25</p>	<p>Page 97</p> <p>1 V. CALLENDER</p> <p>2 letters from Forster & Garbus after</p> <p>3 my case was vacated. I had to pay on</p> <p>4 one and the other two was vacated, so</p> <p>5 there was no more.</p> <p>6 Like where is this \$10,000</p> <p>7 coming from, that I needed to pay?</p> <p>8 So I needed them to show proof,</p> <p>9 and they never showed me proof. So I</p> <p>10 wrote a letter to Consumer Affairs so</p> <p>11 they could look into it and have it</p> <p>12 stopped.</p> <p>13 (Defendant's Exhibit G, a</p> <p>14 compilation of letters, was marked</p> <p>15 for identification.)</p> <p>16 BY MS. LASTORINO:</p> <p>17 Q. Take a look at what's been</p> <p>18 marked as Exhibit G. And it's -- for the</p> <p>19 record, it's --</p> <p>20 Actually, you know what, let me</p> <p>21 see something. I think I made a mistake on</p> <p>22 the last page.</p> <p>23 Oh, no, maybe I didn't.</p> <p>24 Can I just see that for a</p> <p>25 second?</p>

25 (Pages 94 - 97)

<p>Page 98</p> <p>1 V. CALLENDER</p> <p>2 A. (Complies.)</p> <p>3 Q. It's seven pages.</p> <p>4 Take a look at that.</p> <p>5 A. (Document review.)</p> <p>6 MR. KESHAVARZ: So, for the</p> <p>7 record, these are documents Forster &</p> <p>8 Garbus 01, 181, 182, 178, 179, and</p> <p>9 Callender 3, all but the last page</p> <p>10 were produced by Forster & Garbus.</p> <p>11 BY MS. LASTORINO:</p> <p>12 Q. Did you look at them,</p> <p>13 Mr. Callender?</p> <p>14 A. I looked at them.</p> <p>15 Q. Are these the letters that you</p> <p>16 testified to earlier when you said you</p> <p>17 received like five or approximately five</p> <p>18 letters?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 the form of the question.</p> <p>21 You can answer, if you know.</p> <p>22 THE WITNESS: I can't tell you</p> <p>23 if these are the letters.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. Are these the types of letters</p>	<p>Page 100</p> <p>1 V. CALLENDER</p> <p>2 they said.</p> <p>3 BY MS. LASTORINO:</p> <p>4 Q. Do you have the --</p> <p>5 A. I don't know.</p> <p>6 Q. Do you have the letters that</p> <p>7 you testified to that you received from</p> <p>8 Forster & Garbus?</p> <p>9 A. Yeah, I had to -- I kept --</p> <p>10 yeah, I kept -- I kept it for my record</p> <p>11 because I didn't understand what it was.</p> <p>12 Q. You have the five letters?</p> <p>13 MR. KESHAVARZ: Objection to</p> <p>14 the form of the question.</p> <p>15 THE WITNESS: I don't think I</p> <p>16 have five. I think I have maybe one</p> <p>17 or two. The ones that said 9,000 and</p> <p>18 plus.</p> <p>19 BY MS. LASTORINO:</p> <p>20 Q. And did you provide your</p> <p>21 attorney with those letters?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 the form of the question.</p> <p>24 THE WITNESS: Yeah.</p> <p>25 MS. LASTORINO: To the extent</p>
<p>Page 99</p> <p>1 V. CALLENDER</p> <p>2 that you recall receiving from?</p> <p>3 MR. KESHAVARZ: Objection to</p> <p>4 the form of the question.</p> <p>5 You may answer, if you know.</p> <p>6 THE WITNESS: I can't say that</p> <p>7 either.</p> <p>8 BY MS. LASTORINO:</p> <p>9 Q. Do you have documents other</p> <p>10 than these that you refer to when you said</p> <p>11 you received five letters?</p> <p>12 MR. KESHAVARZ: Objection to</p> <p>13 the form of the question.</p> <p>14 Document -- these -- this is</p> <p>15 Forster & Garbus's document</p> <p>16 production. This is not</p> <p>17 Mr. Callender's document production.</p> <p>18 I object to the form of the question.</p> <p>19 You may answer, if you know.</p> <p>20 THE WITNESS: Yeah, the letters</p> <p>21 look similar to -- something like</p> <p>22 this, but this says 8,000. The ones</p> <p>23 I was getting were saying 9,000,</p> <p>24 close to \$10,000, so I don't know if</p> <p>25 these -- the ones that I had, what</p>	<p>Page 101</p> <p>1 V. CALLENDER</p> <p>2 that they haven't been produced, I'm</p> <p>3 demanding the production of those</p> <p>4 letters.</p> <p>5 BY MS. LASTORINO:</p> <p>6 Q. So you think you only have two</p> <p>7 of the five?</p> <p>8 MR. KESHAVARZ: Objection to</p> <p>9 the form of the question.</p> <p>10 THE WITNESS: Yeah. Yeah, I</p> <p>11 think I only got two. I'm not sure.</p> <p>12 BY MS. LASTORINO:</p> <p>13 Q. And what happened to the other</p> <p>14 three?</p> <p>15 MR. KESHAVARZ: Objection to</p> <p>16 the form of the question.</p> <p>17 THE WITNESS: I have no clue.</p> <p>18 Like I said before, I don't keep</p> <p>19 backups of letters -- backups of</p> <p>20 bills, I don't keep those. I shred</p> <p>21 at the end of the year receipts and</p> <p>22 bills. I keep my tax documents every</p> <p>23 seven years. After seven years, they</p> <p>24 go bye-bye.</p> <p>25</p>

26 (Pages 98 - 101)

<p>Page 102</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Take a look at the last page of</p> <p>4 that group of documents.</p> <p>5 A. The last page?</p> <p>6 Q. Yes.</p> <p>7 MR. KESHAVARZ: Document</p> <p>8 Callender 3?</p> <p>9 MS. LASTORINO: Right.</p> <p>10 BY MS. LASTORINO:</p> <p>11 Q. Do you see "Callender 3" on the</p> <p>12 bottom?</p> <p>13 A. Yes.</p> <p>14 Q. So this -- this document you</p> <p>15 received, correct?</p> <p>16 MR. KESHAVARZ: Objection to</p> <p>17 the form of the question.</p> <p>18 You may answer, if you know.</p> <p>19 THE WITNESS: I don't know. I</p> <p>20 have to pair it up with the letter</p> <p>21 that I have at home.</p> <p>22 BY MS. LASTORINO:</p> <p>23 Q. Okay. Well, this came from</p> <p>24 your document production.</p> <p>25 A. It's probably --</p>	<p>Page 104</p> <p>1 V. CALLENDER</p> <p>2 MS. LASTORINO: Right. So it</p> <p>3 will appear both places, yeah.</p> <p>4 (Defendant's Exhibit H, a</p> <p>5 letter dated July 2, 2012, Bates</p> <p>6 stamped Callender 3, was marked for</p> <p>7 identification.)</p> <p>8 (A brief recess was taken from</p> <p>9 2:06 p.m. to 2:23 p.m.)</p> <p>10 (Defendant's Exhibit I, a</p> <p>11 document, Bates stamped Callender 77,</p> <p>12 was marked for identification.)</p> <p>13 BY MS. LASTORINO:</p> <p>14 Q. Take a look at what's been</p> <p>15 marked as Exhibit I.</p> <p>16 A. (Document review.)</p> <p>17 Yes, I see it.</p> <p>18 Q. Have you seen that before?</p> <p>19 A. Yeah.</p> <p>20 Q. Is that your signature on the</p> <p>21 bottom?</p> <p>22 A. Yes.</p> <p>23 Q. Is that your handwriting --</p> <p>24 A. Yes.</p> <p>25 Q. -- in the middle?</p>
<p>Page 103</p> <p>1 V. CALLENDER</p> <p>2 Q. That's why your --</p> <p>3 A. Probably one of them.</p> <p>4 Q. Okay. So you received this</p> <p>5 document?</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 the form of the question.</p> <p>8 You may answer, if you know.</p> <p>9 THE WITNESS: Probably one of</p> <p>10 them. If my lawyer gave it to you,</p> <p>11 then it's probably one of the</p> <p>12 letters.</p> <p>13 BY MS. LASTORINO:</p> <p>14 Q. Do you see on the Callender 3</p> <p>15 document --</p> <p>16 MS. LASTORINO: You know what,</p> <p>17 I think it's clearer -- let me</p> <p>18 just -- also just have that marked</p> <p>19 separately, so we don't keep</p> <p>20 referring to it as --</p> <p>21 MR. KESHAVARZ: Just so the</p> <p>22 record's clear, we're keeping</p> <p>23 Callender 3 as part of Exhibit G, but</p> <p>24 we're making another copy of</p> <p>25 Callender 3 as Exhibit H?</p>	<p>Page 105</p> <p>1 V. CALLENDER</p> <p>2 Can you -- it looks like it</p> <p>3 says, "To do" --</p> <p>4 A. Yes.</p> <p>5 Q. -- "send as" --</p> <p>6 A. Right.</p> <p>7 Q. What does it say after "copy</p> <p>8 for proof" and then what does it say, "wait</p> <p>9 till all cases"?</p> <p>10 I just can't make out what that</p> <p>11 says.</p> <p>12 A. It says, "Wait till all cases</p> <p>13 and then mail."</p> <p>14 I don't know what else was</p> <p>15 there. It looks like a sticky note that</p> <p>16 was there.</p> <p>17 Q. Uh-huh.</p> <p>18 Was this something that you</p> <p>19 sent to Forster & Garbus?</p> <p>20 A. No, I don't think so. I don't</p> <p>21 even -- I -- yeah, it says up there Forster</p> <p>22 & Garbus.</p> <p>23 Q. It's addressed to Forster &</p> <p>24 Garbus.</p> <p>25 Do you have a specific</p>

27 (Pages 102 - 105)

<p>Page 106</p> <p>1 V. CALLENDER</p> <p>2 recollection of sending it to Forster &</p> <p>3 Garbus?</p> <p>4 A. I don't know. I don't know if</p> <p>5 I mailed it out, but . . .</p> <p>6 Q. What does the reference mean</p> <p>7 "wait till all cases are then mailed"? What</p> <p>8 does that mean?</p> <p>9 A. I don't know. There's a sticky</p> <p>10 note. There's a sticky pad that I had</p> <p>11 here.</p> <p>12 Q. Uh-huh?</p> <p>13 A. And I was writing. I mean, at</p> <p>14 that time, I had stuff in mind. This is</p> <p>15 not Morse Code or anything. It's just</p> <p>16 stuff that I was writing.</p> <p>17 I can't -- 2012, I can't</p> <p>18 remember what I was writing here, what it</p> <p>19 was in reference to, but I know this was a</p> <p>20 letter that had to be -- had to go to</p> <p>21 Forster & Garbus in 2012.</p> <p>22 Q. Okay. But that's your</p> <p>23 handwriting -- the handwritten notations is</p> <p>24 your handwriting?</p> <p>25 A. Yeah.</p>	<p>Page 108</p> <p>1 V. CALLENDER</p> <p>2 MR. KESHAVARZ: Exhibit J is</p> <p>3 one page, Forster & Garbus 61,</p> <p>4 document produced by Forster &</p> <p>5 Garbus.</p> <p>6 THE COURT REPORTER: It's two</p> <p>7 pages.</p> <p>8 MR. KESHAVARZ: What?</p> <p>9 MS. LASTORINO: It's two pages.</p> <p>10 MR. KESHAVARZ: Oh, two pages.</p> <p>11 Okay.</p> <p>12 BY MS. LASTORINO:</p> <p>13 Q. Did you take a look at that?</p> <p>14 A. Yes, I took a look.</p> <p>15 Q. Have you seen this before?</p> <p>16 A. I can't recall.</p> <p>17 This letter is saying in</p> <p>18 March 2013. I wasn't living here in 2013</p> <p>19 at 408 130th Street.</p> <p>20 Q. And you testified earlier.</p> <p>21 But where were you living at</p> <p>22 that time in 2013?</p> <p>23 A. Where was it in 2013? I didn't</p> <p>24 say anything about 2013.</p> <p>25 Q. I'm sorry?</p>
<p>Page 107</p> <p>1 V. CALLENDER</p> <p>2 Q. Okay.</p> <p>3 (Defendant's Exhibit J, a</p> <p>4 letter with attached application,</p> <p>5 Bates stamped FG_000061, was marked</p> <p>6 for identification.)</p> <p>7 BY MS. LASTORINO:</p> <p>8 Q. Is there something that you</p> <p>9 wanted to add to your testimony?</p> <p>10 I heard you say something</p> <p>11 before.</p> <p>12 Were you saying anything on the</p> <p>13 record when the court reporter was marking</p> <p>14 the exhibit?</p> <p>15 A. No. What I just said just now</p> <p>16 is just, it was 2012, I can't really</p> <p>17 remember exactly what I was trying to say</p> <p>18 on the sticky pad. I mean, "send as copy</p> <p>19 for proof, wait till all cases are then</p> <p>20 mail." I don't know what my thoughts were</p> <p>21 at that point for the last sentence.</p> <p>22 Q. Okay.</p> <p>23 Take a look at what's been</p> <p>24 marked as Exhibit J.</p> <p>25 A. (Document review.)</p>	<p>Page 109</p> <p>1 V. CALLENDER</p> <p>2 A. Did I say anything about 2013?</p> <p>3 Q. Well, I think we went through</p> <p>4 your prior places --</p> <p>5 A. Yeah, but --</p> <p>6 Q. -- where you lived.</p> <p>7 A. -- I don't think I said</p> <p>8 anything about 2013.</p> <p>9 Q. Okay. Then, I'll ask you now.</p> <p>10 Where did you live in March of</p> <p>11 2013?</p> <p>12 A. 2013?</p> <p>13 I didn't live at 408.</p> <p>14 Q. Where did you live?</p> <p>15 A. I lived at Bougadis</p> <p>16 (phonetic) -- Bougadis.</p> <p>17 Q. What does that mean?</p> <p>18 A. That's a place -- that's an</p> <p>19 apartment I had at Bougadis. I just can't</p> <p>20 remember the exact address.</p> <p>21 Q. And that's located where?</p> <p>22 A. It's in Washington Heights.</p> <p>23 Q. And this isn't one of the</p> <p>24 reasons that you provided with me before?</p> <p>25 A. No. You didn't ask about 2013.</p>

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Page 110	Page 112
1 V. CALLENDER	1 V. CALLENDER
2 Q. And what period of time did you	2 A. (Document review.)
3 live in Washington Heights?	3 Yeah, I'm looking at it.
4 A. Short. I went through a -- a	4 Q. Have you seen that before?
5 difficult situation after -- see, when I	5 A. Not to my recollection.
6 moved to -- from -- from West 130th Street,	6 Q. Do you know why it would have
7 I moved into an apartment that a friend	7 been produced in your document production?
8 said -- what's that kind of apartment	8 MR. KESHAVARZ: Objection to
9 again? I don't know the type of apartment.	9 the form of the question.
10 Like when you -- the person moves away and	10 You may answer, if you know.
11 then you get the -- you get the -- you	11 THE WITNESS: No. I don't
12 know, the rent the apartment. I can't	12 know.
13 remember the name of it, but you rent the	13 BY MS. LASTORINO:
14 apartment for a certain amount of time.	14 Q. So you've never seen this
15 But while we were there, they	15 before?
16 didn't tell the landlord that we were	16 MR. KESHAVARZ: Objection to
17 moving in and so we had some issues with	17 the form of the question.
18 the landlord and we had to move. And so we	18 You may answer, if you know.
19 got an apartment, it was owned by a	19 THE WITNESS: No. I don't think
20 particular lady. And we rented an	20 I've -- I haven't seen this before.
21 apartment, and the -- the chair of the	21 I don't think anybody could tell me
22 building said what she did was illegal.	22 to speak -- what this say because I'm
23 And so that's when I had to find a place at	23 not a judge, I'm not a lawyer.
24 Leggett.	24 Nothing that I've said here was
25 Q. So --	25 rehearsed. Everything that I'm

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1 V. CALLENDER	1 V. CALLENDER
2 A. So to tell you the exact times	2 telling you here is the truth,
3 and dates -- I lived at 379 for a couple of	3 so . . .
4 months, maybe like three or four months.	4 BY MS. LASTORINO:
5 Q. And the Washington Heights	5 Q. When did you first find out, as
6 apartment you said was for a couple of	6 you allege in your Amended Complaint, that
7 months?	7 your wages were garnished?
8 A. Yeah. I don't know exactly how	8 A. Somewhere in January of 2015.
9 much.	9 Q. And how did you find out?
10 Q. And who did you live there	10 A. So I went out and got this job
11 with?	11 because I didn't want to go on unemployment
12 A. I lived with my family.	12 and I didn't want to go on welfare, so I
13 Q. So your wife and your three	13 just went and got whatever job I could get,
14 kids?	14 so I went to Dollar Tree, got this job.
15 A. Yeah.	15 And when I was working, you know, the
16 She actually knew the woman,	16 paycheck wasn't as big, it wasn't a lot of
17 but the woman, freaking liar.	17 money, but, you know, it helped out a
18 (Defendant's Exhibit K, a	18 little bit.
19 document, Bates stamped Callender 65,	19 So you're asking me how I
20 was marked for identification.)	20 noticed?
21 BY MS. LASTORINO:	21 Q. Uh-huh.
22 Q. Can you take a look at what's	22 A. I noticed when the small amount
23 been marked as Exhibit K, which, for the	23 of money became really smaller. It became
24 record, has been Bates stamped Callender	24 real -- it just shrunk. And at the time we
25 65.	25 didn't get -- we weren't getting pay stubs,

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1 V. CALLENDER	1 V. CALLENDER
2 so I had to go, you know, through the	2 Q. At Dollar Tree.
3 channels and get a stub. And when I got	3 A. What do you mean if I lost time
4 the pay stub, I saw the word "garnished" on	4 from work?
5 the bottom and my jaw dropped.	5 Q. Did you take time from work?
6 Q. Where were you living in	6 A. This is after I found out about
7 December of 2014?	7 the stub?
8 A. 2014 of December?	8 Q. Uh-huh.
9 Q. Let me see.	9 A. Yeah, I mean I had to run
10 I'm mixing up these dates, man.	10 around and try to figure out what this was
11 I was living at Leggett. 986	11 about.
12 Leggett Avenue.	12 First of all, a couple of years
13 Q. Were any of your bank accounts	13 ago, I had this case vacated, and then
14 restrained?	14 come 2015, I see the word "garnishment." I
15 MR. KESHAVARZ: Objection to	15 knew what the word mean, but I didn't
16 the form of the question.	16 believe it. So I went -- and I literally
17 You may answer, if you know.	17 took my phone out and typed up what the
18 THE WITNESS: Around what time?	18 meaning of the word because I didn't
19 BY MS. LASTORINO:	19 believe it.
20 Q. In connection with the Discover	20 And then I asked a friend --
21 Bank matter?	21 after I saw it on my phone, I asked a
22 A. No.	22 friend, man, how could this happen?
23 Q. So you haven't incurred any	23 And the first thing he told me
24 bank fees in connection with the Discover	24 was, man, you must have got a girl pregnant
25 Bank matter?	25 somewhere, and then my heart dropped even

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1 V. CALLENDER	1 V. CALLENDER
2 A. No.	2 further. And I'm like, wait a minute, me
3 MR. KESHAVARZ: Objection to --	3 get a girl pregnant somewhere? It had to
4 objection to the form of the	4 have been before I was married. It had to
5 question.	5 have been before I got married.
6 You may answer.	6 So I went -- I remember I went
7 THE WITNESS: No.	7 home and I was really stressed out because
8 BY MS. LASTORINO:	8 I'm thinking maybe some woman out there is
9 Q. And you haven't sustained any	9 garnishing my paycheck because I -- you
10 bank charges in connection with the	10 know, because -- because of some child. So
11 Discover matter?	11 all night I just stood up just trying to
12 A. Not that I --	12 figure out, like, what this was about.
13 MR. KESHAVARZ: Object to the	13 But when I thought about it, by
14 form.	14 the next day, I knew it was -- I knew I
15 Go ahead, you can answer.	15 was -- I didn't have any children by
16 THE WITNESS: Not that I can	16 anybody. I thought about it really hard,
17 recall.	17 because I'm not that type of a guy. But
18 BY MS. LASTORINO:	18 I -- so what I did next was I went to my
19 Q. So January of 2015 is when you	19 files, my documents that I had and I
20 said you learned about . . .	20 searched the documents and there was
21 A. Yes.	21 nothing.
22 Q. Did you lose time from work	22 So I went down to the courts
23 after you learned about the -- the	23 and I got a form like this (indicating),
24 garnishment?	24 and there was nothing. And I went back to
25 A. In -- what do you mean?	25 my files again, just to double-check, and

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1 V. CALLENDER	1 V. CALLENDER
2 there was not -- I couldn't find anything.	2 telling me -- wasn't giving me any
3 Then I called my -- I asked my	3 information. Actually, the job that I was
4 boss. My boss, he's from Pakistan. He	4 working for, the head office was in
5 doesn't speak English that well. He didn't	5 Virginia. And I called Virginia and I had
6 understand what I was asking, so it was a	6 to leave a message. You know, there was no
7 bunch of runaround.	7 voice to speak to anybody.
8 At this time I'm like really --	8 So it took me like a week
9 really, really getting stressed out,	9 before I found out what really happened.
10 because I really don't know what this was.	10 And the lady I spoke to told me that I was
11 I don't know what this is about. I'm not	11 being garnished for \$11,000, then my heart
12 thinking even debt because in 2012 I had	12 dropped even further to the ground and now
13 all the debt cleared away. I'm not	13 I'm going crazy in my head. Because
14 thinking that at this point. Right?	14 \$11,000, who do I owe \$11,000?
15 Then, to make matters even	15 As far as I know, I went to my
16 worse, I was -- couple months before, I had	16 documents, and I don't see any judgments
17 a job. I lost my job. I got this job,	17 against me. I went to this because I went
18 wasn't paying well, to get my money	18 to the courts and I had pulled this, there
19 taken -- the little money that I was	19 was no judgments. So who do I owe \$11,000
20 getting taken away from me, it was just too	20 to? That was my thought.
21 much.	21 Q. You allege that this was
22 Q. So how many days -- how much	22 stressful to you?
23 time did you lose from work as a result of	23 A. Of course it was.
24 that?	24 It wouldn't be stressful if you
25 A. It was just maybe like two	25 were out of -- out of a job for a couple of

Page 119	Page 121
1 V. CALLENDER	1 V. CALLENDER
2 days.	2 months, right?
3 Q. Two full days? Or a part of --	3 Out of work for a couple of
4 A. What do you mean full? Like	4 months, behind on your bills, then to get a
5 when I work.	5 job which is not paying enough -- enough
6 Q. Well, what were your work hours	6 money that was covering the bills before,
7 when you worked at Dollar Tree?	7 all right. Then to get money taken out of
8 A. When I work, it's like a day.	8 your check, right? It makes matters even
9 You lose a day, it's a day's pay.	9 worse than anything else.
10 Q. Well, what were your hours?	10 Then to find out you're getting
11 Was it 9:00 to 5:00?	11 garnished and you have to pay \$11,000,
12 A. It switches up.	12 which you don't -- which you don't have.
13 Q. But it was a total of eight	13 Because for the apartment -- for the
14 hours a day?	14 apartment that I just moved into, I had to
15 A. Yeah, eight, six to seven	15 pay like five grand just to move in. Then
16 hours.	16 a month later I got laid off, found a job
17 Q. So when you said that you had	17 in December. Wasn't paying much, then I
18 to take days off, you took two full days,	18 have a garnishment and \$11,000 debt on my
19 so 16 hours?	19 head.
20 A. I had to go downtown. I had to	20 Q. Now, the garnishment occurred
21 go down to pull that, to pull this report,	21 before you were promoted to manager?
22 you know, pull the report, run around	22 A. Of course. I was a stock boy,
23 trying to figure out what -- my whole goal	23 stocking shelves.
24 was to try to figure out what was going on,	24 Q. And how did the stress affect
25 who was taking my money. My job wasn't	25 you?

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1 V. CALLENDER	1 V. CALLENDER
2 A. All right. This is --	2 that never went away, right there
3 everybody deals with stress in a different	3 (indicating). It's still on my face.
4 way. Me, I deal with -- this is how I deal	4 Permanent mark. Hard like a knot. That's
5 with stress, I deal with stress like this:	5 the one last remain there.
6 I bottle everything in -- inside.	6 It wouldn't come up in one
7 First of all, when it comes to	7 place. It would come up in a bunch of
8 money, that's it, I completely shut down.	8 different places on my face. That's the
9 I go with -- I get withdrawn, right. And I	9 last one and it's still there. It's just a
10 have a wife and I have kids, I don't say	10 reminder of what used to happen.
11 anything. My wife ask me what's up, I	11 Q. And you never had hives before
12 don't say anything. I come in from work, I	12 that day?
13 don't say anything. I just stay there and	13 A. The last time I had hives
14 I just bottle everything up on the inside.	14 before that day was when my brother was
15 The next thing that happens is	15 murdered in '98. In '98. That was the
16 my face becomes extremely hot -- it feels	16 last time.
17 like it's getting hot. Not -- not by	17 Q. So did you treat with any --
18 touching it; it just feels like there's	18 not in '98.
19 fire. But that's me stressing. That's me	19 Did you treat with my health
20 stressing. Then the insides of my stomachs	20 care providers in connection with the
21 starts knotting up. I don't eat, don't	21 hives?
22 sleep. All right? I become like, you	22 MR. KESHAVARZ: Objection to
23 know, depressed.	23 the form of the question.
24 And this is days leading up --	24 You may answer.
25 this is trying to figure out where this	25 THE WITNESS: I didn't think

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1 V. CALLENDER	1 V. CALLENDER
2 debt came from, then finding out that I had	2 the hives -- the hives wasn't
3 a debt of \$11,000, and then the next thing	3 really -- I knew why the hives
4 figuring out how I'm going to get out of	4 happen, it's because I'm stressed. I
5 this. Plus, making the amount of money	5 knew why my stomach was turning into
6 that I'm making at my job led to me	6 knots and why I wasn't eating, it was
7 stressing out and going into depression --	7 because of the stress.
8 into depression.	8 BY MS. LASTORINO:
9 Q. So you didn't tell your wife	9 Q. Did you see any doctors about
10 about it?	10 it, about the hives?
11 A. My wife knew. I didn't tell	11 A. I didn't see any doctors about
12 her like in the beginning. I didn't tell	12 the hives.
13 her about the stuff about me having -- you	13 Every six months I go see a
14 know, my friend telling me about the baby,	14 doctor or a dentist. But to say that I'm
15 some baby somewhere, but I told her about	15 going to see the doctor about the hives,
16 the other stuff.	16 no, I didn't see no doctor about the hives.
17 Q. So did you have hives or you	17 I wouldn't even go talk to anybody about
18 felt like hot like you had hives?	18 the issue I was dealing with. Again, like
19 A. Well, after the -- after the	19 I said, I just bottle everything on the
20 heat -- after the heat -- the heat in my	20 inside.
21 face, that feeling that I get in my face,	21 Not too many people do that.
22 that's what brings out the hives.	22 Some people go talk to other people. Some
23 Look at -- you see this right	23 people go talk to their mom. Some people
24 here?	24 go ask for help. Not me, I just hold
25 This is -- this is one of them	25 everything on the inside. I didn't know

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<p>Page 126</p> <p>V. CALLENDER</p> <p>how to deal with it. I just hold everything on the inside. And at that time it was a lot of weight for me. It was a whole lot of weight because of what I came from.</p> <p>Moving in -- you just read it.</p> <p>I just told you all the moves, the moves, because I move from 408, rent an apartment. Was told that it was okay, it was safe and all that stuff, that we were going to be okay, and then months later we had to pack up and leave. Then I had to find another place.</p> <p>Spoke to this woman and she told me everything is safe, this is my apartment. Yeah, it was her apartment, but she didn't speak to the board, and so now we had to find another place to live.</p> <p>Moving from place to place.</p> <p>Then I find another place, and then to lose my job, all right, to lose my job that I was supporting my family, stress, it mounts and it mounts and it mounts and it mounts.</p> <p>You know the next thing that</p>	<p>Page 128</p> <p>V. CALLENDER</p> <p>director or manager's position in months. That's the way I -- I know myself. So I wasn't really worried about that. What I was worried about was who was taking my money.</p> <p>Q. So the stress that you testified to about that apartment, that was before your Dollar Tree job?</p> <p>A. No, no, no.</p> <p>Q. Okay. You asked me about the stress and you asked me about the hives, right?</p> <p>Q. Yes. And then you mentioned the stress from that apartment situation.</p> <p>A. Okay. Now --</p> <p>Q. I'm just trying to figure out --</p> <p>A. No, no, no. Don't try to switch things up.</p> <p>Q. I'm not.</p> <p>A. Listen to what I'm saying.</p> <p>listen to what I'm saying: All the moves, right, the movement and all that stuff had its own particular, you know -- you know,</p>
<p>Page 127</p> <p>V. CALLENDER</p> <p>could have happened to me? Death. That's the next thing that comes, that's how serious this is, this type of stress that happens to me. You just die, aneurysm because I keep everything on the inside.</p> <p>And talking about it right now, I'm feeling the same way. On the inside, I'm starting to knot up and my face is starting to get hot, just talking about it.</p> <p>Q. When you're saying that that -- the stress of the apartment and all that, that was --</p> <p>A. It's compounded. It all compound. Then when -- when you add to the fact that this \$11,000, because I had an apartment, I had a place to live now.</p> <p>Right? I had a place to live. I was back in the rent just a little bit, but I was making -- I had a little job. And I know myself, I know if I have -- if I work, I can move to management because I know who I am. Right?</p> <p>I'd rather start on the bottom sweeping up floors and I know I'll have the</p>	<p>Page 129</p> <p>V. CALLENDER</p> <p>stress involved. All right. But I had found a place, all right, that I could have my own. I signed the lease. I paid like five grand just to move in. All right.</p> <p>Q. And when was that?</p> <p>A. This was in 2014, I moved into Leggett.</p> <p>Q. Okay. And that was --</p> <p>A. And then a couple months later I lost the job, right. And then --</p> <p>Q. I think I'm just not following you.</p> <p>When you say you lost the job, are you talking about the United?</p> <p>A. Yes, that's what I'm talking about, United.</p> <p>Q. Okay.</p> <p>A. So that's when I got laid off from United.</p> <p>Q. Okay.</p> <p>A. All right. So I was stressed out. And then I went and got another job.</p> <p>I'll take anything at this point because I have a family and I just dipped into the</p>

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<p>Page 130</p> <p>V. CALLENDER</p> <p>savings to get this apartment. All right. So, yeah, I got the job and then months -- a couple months later I'm being garnished.</p> <p>I mean . . .</p> <p>Q. Do you recall the total amount that was garnished?</p> <p>A. No, I don't remember the total amount.</p> <p>What I remember seeing was my check was one way and then the next it was a different amount every -- the way that I was -- I was making my budget at the time, I know, it was helping out. But then I had to reconstruct like, you know, what I -- what I was getting now, and that wasn't fair.</p> <p>And then when I found out how much money it was, then I started thinking like, man, if this -- if I really owe these people that amount of money, do you know how many years it's going to take me to pay this off? You know, all these type of things was going through my mind.</p> <p>Q. Did you receive that money</p>	<p>Page 132</p> <p>V. CALLENDER</p> <p>A. I don't --</p> <p>Q. Do you know what I mean by that?</p> <p>A. No, because I don't think it's a mental health. I think it had to do with me -- with me, with the issue I was faced with, a mental health provider wouldn't help me. The only way they would have been able to help me if they gave me \$11,000 to get this problem away. I didn't think it was a mental issue. It was an issue of me finding out that I was being garnished and why was I being garnished. And there was no purpose in me being garnished because a couple years before, in 2012, I thought I cleaned everything up. And that shouldn't be being garnished because I cleaned everything up.</p> <p>Q. Did you see any doctors, health care providers on the stomach issues that you testified about?</p> <p>A. No, because I know what that's about. I already know what that's about.</p> <p>I know what my stress or how I deal with my</p>
<p>Page 131</p> <p>V. CALLENDER</p> <p>back?</p> <p>A. What money?</p> <p>Q. The money that was garnished.</p> <p>A. Yes. That's after -- after 6 nights of staying up trying to figure out who was garnishing my money, that was after 8 days of running around in the city going to lawyer's office to try to figure out who these people was, because I didn't -- I didn't know who it was.</p> <p>Q. What lawyers did you speak to?</p> <p>A. I went to -- what's it called? Urban Justice league [sic], that's where I went.</p> <p>If it wasn't for the woman who helped me at the Urban, I don't -- I mean she was wonderful. Like in a couple of days she figured out this stuff because I couldn't do it myself. She figured it out.</p> <p>Q. You testified earlier that you were depressed?</p> <p>A. (Nods head.)</p> <p>Q. Did you treat with any mental health care providers?</p>	<p>Page 133</p> <p>V. CALLENDER</p> <p>stress. And when it got to that point . . .</p> <p>Q. So you knew what the issue was and you didn't need, in your opinion, to seek medical care?</p> <p>MR. KESHAVERZ: Objection to the form of the question.</p> <p>THE WITNESS: What do you mean, I knew what the issue was?</p> <p>BY MS. LASTORINO:</p> <p>Q. You testified that you understood why you were feeling the way that you were feeling, right?</p> <p>A. Right.</p> <p>Q. And is that why you didn't seek care of a health care provider, because you knew what your symptoms were about?</p> <p>A. I knew -- I knew -- yes, because I was stressed because my money was being garnished and I didn't know who was garnishing my money.</p> <p>Q. When is the last time you had hives?</p> <p>A. I told you, when my brother had</p>

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<p>Page 134</p> <p>V. CALLENDER</p> <p>passed.</p> <p>Q. No, no, no.</p> <p>Since 2000 --</p> <p>A. Since after that?</p> <p>Q. You got the hives in 2015, is that when --</p> <p>When was it garnished?</p> <p>How long after the garnishment did you get the hives?</p> <p>A. Rephrase that question.</p> <p>When -- how long, you said?</p> <p>Q. How long after the garnishment did you get the hives?</p> <p>A. It comes when the stress comes and then it goes when that type of stress goes away. That's how that works.</p> <p>Q. I'm just trying to figure out a time frame.</p> <p>You said before that --</p> <p>A. I didn't -- I didn't look at my face every day wondering when the bumps going to go down. I never did that. All I was thinking at that time was this money.</p> <p>Q. But was it a day after you</p>	<p>Page 136</p> <p>V. CALLENDER</p> <p>started coming, and that's what brings out the hives.</p> <p>Q. Yeah, I understand that you testified that way already.</p> <p>A. Right.</p> <p>Q. But what I'm trying to get at is the time frame, the month and the year as to when that started to happen.</p> <p>A. I can't -- I can't tell you -- I mean it started at the day I found out -- when I saw the word "garnished" -- when I saw the word "garnished" and I asked my friend what -- and I typed -- I knew what garnished was, but I didn't believe it, it started at that time.</p> <p>Q. Okay. And when is the last time you've had hives since that time?</p> <p>A. Man, I haven't had hives since 20 then.</p> <p>Q. So they went away?</p> <p>A. This one stayed. Maybe this one is waiting till this problem goes away, that it will disappear, this one right here (indicating). It's hard now. Maybe that's</p>
<p>Page 135</p> <p>V. CALLENDER</p> <p>learned about the garnishment? Was it a week? A month?</p> <p>I'm just trying to figure out a time frame.</p> <p>A. When did it go away?</p> <p>Q. No.</p> <p>When did you first get them?</p> <p>A. Oh. Like I explained to you in the beginning, it's different steps. Like I withdraw. I withdraw, right? Withdraw meaning, when I withdraw, that's me going inside to try to figure out the problems.</p> <p>People deal with problems different way, and so that's mental, right? So when the mind comes in play, the stomach comes in play, too, because I can't figure out how I'm going to get out this problem. Right?</p> <p>So after that, I don't eat.</p> <p>And until I figure out the problem, I'm going to eat. But I was not eating because the problem still was there in my face staring me down. Then that causes -- since I can't deal with the problem, started getting headaches, then the heat in my face</p>	<p>Page 137</p> <p>V. CALLENDER</p> <p>waiting for this to go away. Because every time I think about this, I get mad, I get upset on the inside, you know. That's how I get my knots in the stomach. I'm not getting hives on my face, but my stomach, though.</p> <p>Q. And have you ever seen a dermatologist about what --</p> <p>A. Yeah, I seen a dermatologist a couple years.</p> <p>Q. When's the last time you saw a dermatologist?</p> <p>A. I saw a dermatologist in 2001.</p> <p>That was a long time ago.</p> <p>Q. Who was Dr. --</p> <p>A. That has nothing to do with no dermatology.</p> <p>Q. Who was Dr. Emmanuel Pehrah?</p> <p>A. That's my doctor.</p> <p>Q. How long have you been --</p> <p>A. I don't know. Maybe --</p> <p>Q. -- seeing that doctor?</p> <p>A. Maybe two years. I'm not sure.</p> <p>Q. And what do you go to</p>

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<p>Page 138</p> <p>V. CALLENDER</p> <p>Dr. Pehrah for?</p> <p>A. I go to doc -- you know, I don't go to a doctor. I only go to the doctor because -- because society says you need to go to a doctor and get a physical checkup or -- or go get your dentals.</p> <p>That's why I go to get a physical. That's why I go to the doctor, only because society says.</p> <p>Q. So you just basically go for physicals, you're saying?</p> <p>A. I go for physical, blood tests.</p> <p>Like I went to him to get a blood test to find out what blood type I was, just to find out what blood type, because I was reading a book that, you know, if you eat based on blood type, I was see if there was evidence that -- I was trying to prove his claim that was wrong, that was all.</p> <p>MS. LASTORINO: I think I'm wrapping up, but I just want to go through and just . . .</p> <p>BY MS. LASTORINO:</p> <p>Q. Before your wages were</p>	<p>Page 140</p> <p>V. CALLENDER</p> <p>THE WITNESS: Can I ask a question?</p> <p>MR. KESHAVERZ: Unfortunately you don't get to ask questions. Let's just take a quick break for one second.</p> <p>(A brief recess was taken from 2:59 p.m. to 3:03 p.m.)</p> <p>(Defendant's Exhibit L, a document, Bates stamped Callender 58 through Callender 65, was marked for identification.)</p> <p>EXAMINATION BY MR. KESHAVERZ:</p> <p>Q. Okay. Mr. Callender, I'm showing you what's been marked previously as Exhibit No. K.</p> <p>Do you remember testifying you weren't sure about what this document was?</p> <p>A. Yes, I remember that.</p> <p>Q. Okay. Now that you look -- I'm showing you Exhibit L, that which is Callender 58 --</p> <p>A. Right.</p>
<p>Page 139</p> <p>V. CALLENDER</p> <p>garnished, did you ever receive anything in the mail called an income execution?</p> <p>A. No. And that's what upset me more also. That's what upset me more than anything else. Because I don't know if I read somewhere -- I don't know if I read somewhere where, if you're going to get garnished, they should send you a letter in the mail, and then I think you sign off on it, or something like that. I read it somewhere. And I was upset because I never saw anything and -- and that people have the power just to go into your stuff without letting you know and just take away your stuff.</p> <p>I mean if I had done that, I mean I would be in jail right now, to tell you the truth. If I had done that to somebody else, if I had done that to a corporation, I would be in jail.</p> <p>MS. LASTORINO: One second. (Discussion off the record.)</p> <p>MS. LASTORINO: I think I'm done.</p>	<p>Page 141</p> <p>V. CALLENDER</p> <p>Q. -- through 65.</p> <p>A. Right.</p> <p>Q. Now that you see Exhibit K in context --</p> <p>A. Uh-huh.</p> <p>Q. -- do you remember --</p> <p>Well, let me just ask you this: Do you know what Exhibit L is, which is Callender --</p> <p>A. Yes, I know what Exhibit L.</p> <p>Q. Just wait a second.</p> <p>Do you know what Exhibit L is, which is Callender 58 through 65? What is that?</p> <p>A. Well, that's a document that I -- that I -- I was doing some research on the company Forster & Garbus because I wasn't really aware of who they were, and I found out like the Attorney General had sued them for gutter services and stuff back in '07. And so I copied -- I made copies of that of all the information that I found online, and this paperwork Exhibit K is part of that.</p>

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<p>Page 142</p> <p>1 V. CALLENDER</p> <p>2 MR. KESHAVARZ: Okay. That's</p> <p>3 all I have.</p> <p>4 MS. LASTORINO: I have a</p> <p>5 question.</p> <p>6 EXAMINATION BY</p> <p>7 MS. LASTORINO:</p> <p>8 Q. Do you have any reason to</p> <p>9 believe that you -- in your underlying</p> <p>10 action, I'm talking about the Discover Bank</p> <p>11 that sued you.</p> <p>12 You understand what I'm saying,</p> <p>13 right?</p> <p>14 A. (Nods head.)</p> <p>15 Q. Do you have any understanding</p> <p>16 as to what law firm was representing</p> <p>17 Discover Bank when they commenced that</p> <p>18 lawsuit?</p> <p>19 MR. KESHAVARZ: Objection to</p> <p>20 the form of the question.</p> <p>21 You may answer, if you know.</p> <p>22 THE WITNESS: I don't</p> <p>23 understand what you're saying.</p> <p>24 BY MS. LASTORINO:</p> <p>25 Q. Discover Bank sued you in the</p>	<p>Page 144</p> <p>1 V. CALLENDER</p> <p>2 BY MS. LASTORINO:</p> <p>3 Q. Well, let me ask you: Did you</p> <p>4 send that Order to Show Cause? Where did</p> <p>5 you send it?</p> <p>6 MR. KESHAVARZ: Objection to</p> <p>7 the form of the question.</p> <p>8 You may answer, if you know.</p> <p>9 THE WITNESS: This was in 2012,</p> <p>10 right?</p> <p>11 BY MS. LASTORINO:</p> <p>12 Q. Uh-huh.</p> <p>13 A. I sent the letter -- the Order</p> <p>14 to Show Cause to whichever information --</p> <p>15 it had a piece of paper that had the</p> <p>16 address that I was supposed to send this</p> <p>17 information to, that's where I sent it.</p> <p>18 Q. Okay.</p> <p>19 MS. LASTORINO: I have no other</p> <p>20 questions.</p> <p>21 MR. KESHAVARZ: All right.</p> <p>22 We're free to go.</p> <p>23 Can you e-mail me the exhibits</p> <p>24 or --</p> <p>25 MS. LASTORINO: Sure.</p>
<p>Page 143</p> <p>1 V. CALLENDER</p> <p>2 underlying action which resulted in the</p> <p>3 default judgement, correct?</p> <p>4 A. Right.</p> <p>5 Q. Okay. Do you know who was</p> <p>6 representing Discover Bank?</p> <p>7 A. At the time I didn't know.</p> <p>8 Q. But you served the Order to</p> <p>9 Show Cause to a law firm, right?</p> <p>10 A. Right. That's when I found</p> <p>11 out.</p> <p>12 Q. And that law firm, you didn't</p> <p>13 sent it to Forster & Garbus, did you?</p> <p>14 A. I sent it to whatever letter I</p> <p>15 was getting in -- whatever that information</p> <p>16 where the address was on --</p> <p>17 Q. Uh-huh.</p> <p>18 A. -- that's where I sent it to.</p> <p>19 Q. Okay. So whichever address you</p> <p>20 sent it, you sent it to the law firm other</p> <p>21 than Forster & Garbus?</p> <p>22 MR. KESHAVARZ: Objection to</p> <p>23 the form of the question.</p> <p>24 THE WITNESS: I don't know.</p> <p>25</p>	<p>Page 145</p> <p>1 V. CALLENDER</p> <p>2 (Discussion off the record.)</p> <p>3 MR. KESHAVARZ: I reserve the</p> <p>4 right to review and revise.</p> <p>5 You can e-mail me a copy. I</p> <p>6 only need an e-tran.</p> <p>7 (Time noted: 3:07 p.m.)</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>Page 146</p> <p>1 A C K N O W L E D G M E N T</p> <p>2</p> <p>3 I, VICTOR CALLENDER, hereby certify</p> <p>4 that I have read the transcript of my</p> <p>5 testimony taken under oath in my deposition</p> <p>6 of October 25, 2016, that the transcript is</p> <p>7 a true, complete and correct record of my</p> <p>8 what was asked, answered and said during</p> <p>9 the deposition, and that the answers on the</p> <p>10 record as given by me are true and correct.</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15 VICTOR CALLENDER</p> <p>16</p> <p>17 Signed and Subscribed to before me</p> <p>18 this ____ day of _____, 20____.</p> <p>19</p> <p>20</p> <p>21</p> <p>22 Notary Public, State of New York</p> <p>23</p> <p>24</p> <p>25</p>	<p>Page 148</p> <p>1 E X H I B I T S</p> <p>2 DEFENDANTS' DESCRIPTION PAGE</p> <p>3 Exhibit E Order to Show Cause 87</p> <p>4 and Affidavit in</p> <p>5 Support of Order to</p> <p>6 Show Cause, Bates</p> <p>7 stamped Callender</p> <p>8 114 through</p> <p>9 Callender 115</p> <p>10 Exhibit F "Proposed" Written 88</p> <p>11 Answer Consumer</p> <p>12 Credit Transaction,</p> <p>13 Bates stamped</p> <p>14 Callender 116</p> <p>15 Exhibit G a compilation of 97</p> <p>16 letters</p> <p>17 Exhibit H a letter dated July 104</p> <p>18 2, 2012, Bates</p> <p>19 stamped Callender 3</p> <p>20 Exhibit I a document, Bates 104</p> <p>21 stamped Callender</p> <p>22 77</p> <p>23</p> <p>24</p> <p>25</p>
<p>Page 147</p> <p>1 I N D E X</p> <p>2</p> <p>3 WITNESS EXAMINATION BY PAGE</p> <p>4 VICTOR CALLENDER MS. LASTORINO 4</p> <p>5 MR. KESHAVARZ 140</p> <p>6 MS. LASTORINO 142</p> <p>7</p> <p>8</p> <p>9 E X H I B I T</p> <p>10 DEFENDANTS' DESCRIPTION PAGE</p> <p>11 Exhibit A Notice to Take Oral 4</p> <p>12 Deposition</p> <p>13 Exhibit B WebCivil Local Case 44</p> <p>14 Search Results,</p> <p>15 Bates stamped</p> <p>16 Callender 17</p> <p>17 Exhibit C WebCivil Local Case 54</p> <p>18 Detail</p> <p>19 Exhibit D a letter dated 69</p> <p>20 October 23, 2012,</p> <p>21 Bates stamped</p> <p>22 FG_000008 and</p> <p>23 FG_000010</p> <p>24</p> <p>25</p>	<p>Page 149</p> <p>1 E X H I B I T S</p> <p>2 DEFENDANTS' DESCRIPTION PAGE</p> <p>3 Exhibit J a letter with 107</p> <p>4 attached</p> <p>5 application, Bates</p> <p>6 stamped FG_000061</p> <p>7 Exhibit K a document, Bates 111</p> <p>8 stamped Callender</p> <p>9 65</p> <p>10 Exhibit L a document, Bates 140</p> <p>11 stamped Callender</p> <p>12 58 through</p> <p>13 Callender 65</p> <p>14 (EXHIBITS RETAINED BY CAROL LASTORINO, ESQ.)</p> <p>15</p> <p>16</p> <p>17</p> <p>18 REQUESTS FOR DOCUMENTS</p> <p>19 PAGE LINE</p> <p>20 84 13</p> <p>21 100 25</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>Page 150</p> <p>1 C E R T I F I C A T I O N</p> <p>2</p> <p>3 I, Ashley Shugar, a Notary Public</p> <p>4 within and for the State of New York, do</p> <p>5 hereby certify:</p> <p>6 That VICTOR CALLENDER, the witness</p> <p>7 whose deposition is herein before set</p> <p>8 forth, was duly sworn by me and that such</p> <p>9 deposition is a true record of the</p> <p>10 testimony given by such witness.</p> <p>11 I further certify that I am not</p> <p>12 related to any of the parties to this</p> <p>13 action by blood or marriage; and that I am</p> <p>14 in no way interested in the outcome of this</p> <p>15 matter.</p> <p>16</p> <p>17 IN WITNESS WHEREOF, I have hereunto</p> <p>18 set my hand this 1st day of November, 2016.</p> <p>19</p> <p>20</p> <p>21 </p> <p>22 ASHLEY SHUGAR</p> <p>23</p> <p>24</p> <p>25</p>	
<p>Page 151</p> <p>1 E R R A T A S H E E T</p> <p>2 VERITEXT/NEW YORK REPORTING, LLC</p> <p>3 CASE NAME: CALLENDER v. FORSTER & GARBUS</p> <p>4 DATE OF DEPOSITION: OCTOBER 25, 2016</p> <p>5 WITNESS: VICTOR CALLENDER</p> <p>6 PAGE/LINE(S) CHANGE REASON</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21 VICTOR CALLENDER</p> <p>22 Subscribed and Sworn to before me</p> <p>23 this ____ day of _____, 20____.</p> <p>24</p> <p>25</p> <p>26 NOTARY PUBLIC</p> <p>27 MY COMMISSION EXPIRES</p>	

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